

APPENDIX B

STATUTES

Table of Contents

Overarching Responsibility	A-1
Creation of the Office of Environmental Health Hazard Assessment	A-1
Health Surveillance	A-4
General Accountability	A-6
External Review Requirements.....	A-9
Public Records	A-11
Children’s Health	A-14
Environmental Indicators.....	A-16
Environmental Justice.....	A-19
 Air Quality	 A-23
Criteria Air Pollutants and Toxic Air Contaminants: Non-pesticides	A-23
Toxic Air Contaminants: Pesticides.....	A-30
Air Emissions: Air Toxic Hot Spots	A-33
Incineration	A-38
Tire Storage and Disposal	A-42
 Pesticide Use and Safety	 A-44
Pesticide Illness and Spill Reporting	A-44
Risk Assessment	A-46
Worker Health Protection	A-55
Research: Studies	A-56
 Water Quality	 A-58
Safe Drinking Water Act: Public Health Goals	A-58
Groundwater Contamination: Pesticides	A-63
Coastal Monitoring	A-68
Bays and Estuaries	A-70
Marine and Coastal Resources.....	A-75
 Consumer Products	 A-77
Proposition 65: Safe Drinking Water and Toxic Enforcement Act of 1986.....	A-77
Food Safety: Fish Contamination	A-82
Art Products Hazards	A-83
Motor Vehicle Fuels	A-86
Building Materials: Insulation	A-88

Hazardous Materials Management	A-89
Research: Studies	A-89
Site Clean-up.....	A-92
Emergency Response	A-98
Administrative Order	A-98
Uncontrolled Release: Hazardous Materials	A-103
Agricultural Pest Eradication.....	A-108
Transportation	A-109
Oil Spill Contingency	A-110

Overarching Responsibility

Creation of the Office of Environmental Health Hazard Assessment

Health and Safety Code Section 147. Division 39. Sections 59000-59017 (as cited in GRP-1)

59000. There is, in the California Environmental Protection Agency, the **Office of Environmental Health Hazard Assessment**.

59001. As used in this division:

- (a) "Office" means the **Office of Environmental Health Hazard Assessment**.
- (b) "Director" means the Director of **Environmental Health Hazard Assessment**.

59002. The **Office of Environmental Health Hazard Assessment** is under the control of an executive Officer known as the Director of **Environmental Health Hazard Assessment**, who shall be appointed by the Governor, subject to confirmation by the Senate, and hold Office at the pleasure of the Governor. The director shall have broad-based scientific expertise as evidenced by a doctoral degree and work experience in a biological or medical science. The director shall receive the annual salary provided in Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

59002.5. The Governor may appoint a deputy to the director. The deputy director shall hold Office at the pleasure of the director, and shall receive a salary fixed by the director with the approval of the Department of Personnel Administration.

59003. The director shall have the powers of a head of a department pursuant to Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

59004. The **Office** succeeds to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction of the Health Hazard Assessment Division of the State Department of Health Services relating to assessment of human health risks of chemicals and to toxicologic and scientific consultation to programs in the State Department of Health Services and in other state agencies. The functions and responsibilities of the **Office** shall include, but not be limited to, those performed pursuant to the following provisions of law:

- (a) Article 6 (commencing with Section 32060) of Chapter 1 of Part 19 of Division 1 of Title 1 of the Education Code.
- (b) Sections 217.6 and 7715 of the Fish and Game Code.
- (c) Article 10.5 (commencing with Section 12980), Article 14 (commencing with Section 13121), and Article 15 (commencing with Section 13141) of Chapter 2 of Division 7 of, Sections 13060 and 13061 of, and Article 1.5 (commencing with Section 14021) of Chapter 3 of Division 7 of the Food and Agricultural Code.
- (d) Section 425 of, Chapter 9 (commencing with Section 2950) of Division 3 of, Sections 25416, 25886.5 and 39606 of, Article 3 (commencing with Section 39660) of Chapter 3.5 of Part 2 of Division 26 of, Sections 41982 and 42315 of, and Chapter 4 (commencing with Section 44360) of Part 6 of Division 26 of the Health and Safety Code.
- (e) Section 21151.1 of the Public Resources Code.

59005. The **Office** may use the unexpended balance of funds available for use in connection with the performance of the functions of the State Department of Health Services to which it succeeds pursuant to Section 59004.

59006. All officers and employees of the State Department of Health Services who, on the effective date of this section, are serving in the state civil service, other than as temporary employees, and engaged in the performance of a function vested in the **Office** by Section 59004 shall be transferred to the **Office**. The status, positions, and rights of those persons shall not be affected by the transfer and shall be retained by those persons as officers and employees of the **Office**, pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code), except as to positions exempted from civil service.

59007. The **Office** shall have possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, licenses, permits, agreements, contracts, claims, judgments, land, and other property, real or personal, connected with the administration of, or held for the benefit or use of, the State Department of Health Services for the performance of functions transferred to the **Office** by Section 59004.

59008. All officers and employees of the **Office** employed after the effective date of this section shall be appointed by the director.

59009. The **Office** may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:

- (a) To enforce its rules and regulations.
- (b) To enjoin and abate nuisances related to matters within its jurisdiction which are dangerous to health.
- (c) To compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this state relating to matters within its jurisdiction.
- (d) On matters within its jurisdiction, to protect and preserve the public health.

The **Office** may defend all actions and proceedings involving its powers and duties. In all actions and proceedings, the **Office** shall sue and be sued under the name of the **Office of Environmental Health Hazard Assessment**.

59010. The **Office** may abate public nuisances related to matters within its jurisdiction.

59011. The **Office** may advise all local health authorities, and, when in its judgment the public health is menaced by matters within its jurisdiction, the **Office** shall control and regulate their actions.

59012. The **Office** may adopt and enforce rules and regulations for the execution of its duties.

59013. Notwithstanding any other provision of law, the **Office** shall submit all of its rules and regulations on matters related to the statutory responsibilities delegated to or enforced by local health departments, except emergency rules and regulations, to the California Conference of Local Health Officers for review and comment prior to adoption. If the **Office** determines it to be appropriate to implement the proposed rules and regulations or parts thereof, contrary to the recommendations of the conference, the **Office** shall make a public finding summarizing the reasons for acting contrary to those recommendations.

59014. With the approval of the Department of Finance, and for use in furtherance of the work of the **Office**, the director may accept the following:

- (a) Grants of interest in real property.
- (b) Gifts of money from public agencies or from organizations or associations organized for scientific, educational, or charitable purposes.

59015. The **Office** shall cause special investigations of environmental sources of morbidity and mortality and the effects of localities, employments, conditions, and circumstances on the public health, and it shall perform any other duties, which may be required in procuring information for state and federal agencies regarding the effects of these conditions on the public health.

59016.

- (a) All records of interviews, written reports, and statements procured by the **Office** or by any other person, agency, or organization acting jointly with the **Office**, in connection with special morbidity and mortality studies shall be confidential insofar as the identify of the individual patient is concerned and shall be used solely for the purpose of the study. The furnishing of that information to the **Office** or its authorized representative, or to any other cooperating individual, agency, or organization in any such special study, shall not subject any person, hospital, sanitarium, rest home, nursing home, or other organization furnishing the information to any action for damages. This section shall not apply to general morbidity and mortality studies customarily and continuously conducted by the **Office** and which do not involve patient identification.
- (b) Nothing in this section prohibits the publishing by the **Office** of statistical compilations relating to morbidity and mortality studies which do not identify cases and sources of information or religious affiliations.

59017.

- (a) The **Office** may perform any of the following activities relating to assessment of human health risks of chemicals, toxicologic, or scientific consultation:
 - (1) Studies.
 - (2) Demonstrations of innovative methods.
 - (3) Evaluations of existing projects.
 - (4) Provision of training programs.
 - (5) Dissemination of information.
- (b) In performing any activity specified in subdivision (a), the **Office** may do any of the following:
 - (1) Perform the activity directly.
 - (2) Enter into contracts, cooperative agreements, or other agreements for the performance of the activity.
 - (3) Apply for and receive grants for the performance of the activity.
 - (4) Award grants for the performance of the activity.

Government Code

12812. The California Environmental Protection Agency consists of the State Air Resources Board, the **Office of Environmental Health Hazard Assessment**, the California Integrated Waste Management Board, the State Water Resources Control Board, and each California regional water quality control board, and the following departments: Pesticide Regulation and Toxic Substances Control.

Health Surveillance

Health and Safety Code

104324.

- (a) It is the intent of the Legislature to establish an Environmental Health Surveillance System (EHSS) in accordance with this chapter. The purpose of the EHSS shall be to establish ongoing surveillance of the environmental exposures and diseases affecting Californians, with a focus on prevalence and determinants of chronic diseases. The Regents of the University of California are requested to cooperate with the division and the office in establishing the EHSS.
- (b) The objectives of the EHSS are as follows:
 - (1) To track and evaluate a variety of chronic diseases in relation to environmental exposures.
 - (2) To allow both government and university investigators and public health officials to assess the impact of environmental contaminants on the human body.
 - (3) To provide information to the relevant board, department, or office within the California Environmental Protection Agency and to the relevant branch or division within the State Department of Health Services for the development of appropriate preventive strategies.

104324.2.

- (a) On or before July 1, 2002, the Division of Environmental and Occupational Disease Control in the State Department of Health Services, in consultation with the **Office of Environmental Health Hazard Assessment**, shall create a working group of technical experts, including experts who have knowledge of the sensitivity and exposure of children, women of child-bearing age, seniors, and disparately affected populations to environmental hazards, to do all of the following:
 - (1) Develop possible approaches to establishing the EHSS, including an estimated cost for each approach.
 - (2) Prepare and submit a report to the State Department of Health Services and, the **Office of Environmental Health Hazard Assessment**, and appropriate legislative committees, by July 1, 2003, on the possible approaches to establishing the EHSS, including an estimated cost of each approach, and the recommended approach to establishing an EHSS for California.
 - (3) Develop the health and environmental measurements needed to do both of the following:
 - (A) Obtain an ongoing picture of the health of Californians.
 - (B) Establish a data base that may facilitate the examination of the relationship between chronic diseases, including birth defects, and the environment.
- (b) The Regents of the University of California are requested to cooperate with the division and the office in creating the work group described in this section.

104324.25.

- (a) On or before July 1, 2004, the State Department of Health Services, the California Environmental Protection Agency, and the University of California shall jointly develop and sign a memorandum of understanding to assess the feasibility of both of the following:
 - (1) Integrating existing environmental hazard, exposure, and health outcome data.
 - (2) Describing how these data correspond to recommendations in the final report of the expert working group established under this chapter regarding the establishment of an environmental health tracking system.
- (b) The California Environmental Health Tracking Program in the Division of Environmental and Occupational Disease Control of the department shall obtain all the following information:

- (1) A description of the relevant laws, regulations, and policies that authorize or mandate environmental hazard and disease surveillance.
- (2) A comprehensive description of California's public health surveillance and environmental hazard, exposure, and health outcome monitoring information systems, including, but not limited to, the purpose, scope, contents, and capabilities of each system.
- (3) A description of the current sources of financial support for public health surveillance, environmental hazard, exposure, and health outcome monitoring information systems, and related funds.
- (c) The California Environmental Health Tracking Program may collect any relevant information, including information related to other priority data systems identified by the working group established under this chapter, from any state agency, board, department, or office.
- (d) (1) The Legislature finds and declares that the activities requested under subdivisions (a) and (b) are within the scope of existing contracts and funding from the federal Centers for Disease Control and Prevention to the State Department of Health Services and the University of California, and are provided to support the planning and development of an environmental health tracking system in California.
- (2) Subdivisions (a) and (b) shall be implemented only to the extent that federal funds remain available for the activities specified in those subdivisions. No General Fund moneys shall be used to implement subdivisions (a) and (b).

Labor Code

50.8. The department [Industrial Relations] shall develop a long range program for upgrading and expanding the resources of the State of California in the area of occupational health and medicine. The program shall include a contractual agreement with the University of California for the creation of occupational health centers affiliated with regional schools of medicine and public health. One such occupational health center shall be situated in the northern part of the state and one in the southern part. The primary function of these occupational health centers shall be the training of occupational physicians and nurses, toxicologists, epidemiologists, and industrial hygienists. In addition, the centers shall serve as referral centers for occupational illnesses and shall engage in research on the causes, diagnosis, and prevention of occupational illnesses. The centers shall also inform the Division of Occupational Safety and Health of the Department of Industrial Relations, State Department of Health Services, the **Office of Environmental Health Hazard Assessment**, and the Department of Pesticide Regulation of their clinical and research findings.

General Accountability

Health and Safety Code

57000. For purposes of this division, the following terms have the following meaning:

- (a) "Agency" means the California Environmental Protection Agency.
- (b) "Council" means the California Environmental Policy Council established by Section 71017 of the Public Resources Code.
- (c) "Secretary" means the Secretary for Environmental Protection.

57001.

- (a) Except as provided in subdivision (f), each **Office**, board, and department within the agency shall, on or before December 31, 1995, implement a fee accountability program for the fees specified in subdivision (d). That fee accountability program shall be designed to encourage more efficient and cost-effective operation of the programs for which the fees are assessed, and shall be designed to ensure that the amount of each fee is not more than is reasonably necessary to fund the efficient operation of the activities or programs for which the fee is assessed.
- (b) Before implementing the fee accountability program required by this section, each board, department, and **Office** within the agency shall conduct a review of the fees identified in subdivision (d) which it assesses. The purpose of this review shall be to determine what changes, if any, should be made to all of the following, in order to implement a fee system which accomplishes the purposes set forth in subdivision (a):
 - (1) The amount of the fee.
 - (2) The manner in which the fee is assessed.
 - (3) The management and workload standards of the program or activity for which the fee is assessed.
- (c) The fee accountability program of each board, department, or **Office** within the agency shall include those elements of the requirements of Section 25206 which the secretary determines are appropriate in order to accomplish the purposes set forth in subdivision (a).
- (d) This section applies to the following fees:
 - (1) The fee assessed pursuant to subdivision (d) of Section 13146 of the Food and Agricultural Code to develop data concerning the environmental fate of a pesticide when the registrant fails to provide the required information.
 - (2) The surface impoundment fees assessed pursuant to Section 25208.3.
 - (3) The fee assessed pursuant to Section 43203 to recover the costs of the State Air Resources Board in verifying manufacturer compliance on emissions from new vehicles prior to retail sale.
 - (4) The fee assessed pursuant to Section 44380 to recover the costs of the State Air Resources Board and the **Office of Environmental Health Hazard Assessment** in implementing and administering the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (Part 6 (commencing with Section 44300) of Division 26).
 - (5) The fee assessed pursuant to Section 43212 of the Public Resources Code to recover the costs of the California Integrated Waste Management Board when it assumes the responsibilities of the local enforcement agency.
 - (6) The fee assessed pursuant to Section 43508 of the Public Resources Code to recover the costs of the California Integrated Waste Management Board in reviewing closure plans.

- (7) The water rights permit fees assessed pursuant to Chapter 8 (commencing with Section 1525) of Part 2 of Division 2 of the Water Code.
- (8) The fee assessed pursuant to subdivision (c) of Section 13260 of the Water Code for waste discharge requirements, including, but not limited to, requirements for storm water discharges, and the fee assessed pursuant to subdivision (i) of Section 12360 of the Water Code for National Pollution Discharge Elimination System permits.
- (9) The costs assessed pursuant to Section 13304 of the Water Code to recover the costs of the State Water Resources Control Board or the California regional water quality control boards in implementing and enforcing cleanup and abatement orders.
- (e) If a board, department, or **Office** within the agency determines that the amount of a fee that is fixed in statute should be increased in order to implement a fee accountability system which accomplishes the purposes of subdivision (a), it shall notify the Legislature, and make recommendations concerning appropriate increases in the statutorily fixed fee amount. For fees whose amount is not fixed in statute, the board, department, or **Office** may increase the fee only if it makes written findings in the record that it has implemented a fee accountability program which complies with this section.
- (f) The Department of Toxic Substances Control shall be deemed to be in compliance with this section if it complies with Section 25206.

57002. The agency shall conduct a study by surveying state, regional, and local agencies charged with implementing air quality, water quality, toxics, solid waste, and hazardous waste laws and regulations to determine how much revenue is derived from fines and penalties and to what purposes that revenue is directed. The study should include a review of the extent to which those funds are used to support state, regional, and local agency operations.

57005.

- (a) Commencing January 1, 1994, each board, department, and **Office** within the agency, before adopting any major regulation, shall evaluate the alternatives to the requirements of the proposed regulation that are submitted to the board, department, or **Office** pursuant to paragraph (7) of subdivision (a) of Section 11346.5 of the Government Code and consider whether there is a less costly alternative or combination of alternatives which would be equally as effective in achieving increments of environmental protection in a manner that ensures full compliance with statutory mandates within the same amount of time as the proposed regulatory requirements.
- (b) For purposes of this section, "major regulation" means any regulation that will have an economic impact on the state's business enterprises in an amount exceeding ten million dollars (\$10,000,000), as estimated by the board, department, or **Office** within the agency proposing to adopt the regulation in the assessment required by subdivision (a) of Section 11346.3 of the Government Code.
- (c) On or before December 31, 1994, after consulting with the Secretary of Trade and Commerce, the director or executive officer of each board, department, and **Office** within the agency, and after receiving public comment, the secretary shall adopt guidelines to be followed by the boards, departments, and offices within the agency concerning the methods and procedures to be used in conducting the evaluation required by this section.

57007.

- (a) The agency, and the offices, boards, and departments within the agency, shall institute quality government programs to achieve increased levels of environmental protection and the public's satisfaction through improving the quality, efficiency, and cost-effectiveness of the state programs that implement and enforce state and federal environmental protection statutes. These programs shall be designed to increase the level of environmental protection while expediting decisionmaking and producing cost savings. The secretary shall create an advisory group

comprised of state and local government, business, environmental, and consumer representatives experienced in quality management to provide guidance in that effort. The secretary shall develop a model quality management program that local agencies charged with implementing air quality, water quality, toxics, solid waste, and hazardous waste laws and regulations may use at their discretion.

- (b) The agency, and each board, department, and **Office** within the agency, shall submit a yearly report to the Governor and Legislature, no later than December 1 with respect to the previous fiscal year, reporting on the extent to which these state agencies have attained their performance objectives, and on their continuous quality improvement efforts.
- (c) Nothing in this section abrogates any collective bargaining agreement or interferes with any established employee rights.
- (d) For purposes of this section, "quality government program" means all of the following:
 - (1) A process for obtaining the views of employees, the regulated community, the public, environmental organizations, and governmental officials with regard to the performance, vision, and needs of the agency implementing the quality government program.
 - (2) A process for developing measurable performance objectiveness using the views of the persons and organizations specified in paragraph (1).
 - (3) Processes for continually improving quality and for training agency personnel, using the information obtained from implementing paragraphs (1) and (2).

External Review Requirements

Health and Safety Code

57003.

- (a) Before a board, department or **Office** within the agency adopts chemical risk assessment guidelines or policies for evaluating the toxicity of chemicals or prepares a health evaluation of a chemical that will be used in the regulatory process of another board, department, or **Office**, the board, department, or **Office** shall first convene a public workshop at which the guidelines, policies, or health evaluation may be discussed. The public workshop shall be designed to encourage a constructive dialogue between the scientists employed by the board, department, or **Office** that prepared the proposed guidelines or policies or health evaluation and scientists not employed by that board, department, or **Office** and to evaluate the degree to which the proposed guidelines or policies or health evaluation are based on sound scientific methods, knowledge, and practice. Following the workshop, the agency shall revise the guidelines, policies, or health evaluation, as appropriate, and circulate it for public comment for a period of at least 30 days.
- (b) In any case where the guidelines, policies, or health evaluations described in subdivision (a) are proposed, or are being prepared, pursuant to a statutory requirement that specifies a procedure or a time period for carrying out the requirement, the requirements of subdivision (a) do not authorize a delay or a postponement in carrying out the statutory requirement.

57004.

- (a) For purposes of this section, the following terms have the following meanings:
 - (1) "Rule" means either of the following:
 - (A) A regulation, as defined in Section 11342.600 of the Government Code.
 - (B) A policy adopted by the State Water Resources Control Board pursuant to the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code) that has the effect of a regulation and that is adopted in order to implement or make effective a statute.
 - (2) "Scientific basis" and "scientific portions" mean those foundations of a rule that are premised upon, or derived from, empirical data or other scientific findings, conclusions, or assumptions establishing a regulatory level, standard, or other requirement for the protection of public health or the environment.
- (b) The agency, or a board, department, or **Office** within the agency, shall enter into an agreement with the National Academy of Sciences, the University of California, the California State University, or any similar scientific institution of higher learning, any combination of those entities, or with a scientist or group of scientists of comparable stature and qualifications that is recommended by the President of the University of California, to conduct an external scientific peer review of the scientific basis for any rule proposed for adoption by any board, department, or **Office** within the agency. The scientific basis or scientific portion of a rule adopted pursuant to Chapter 6.6 (commencing with Section 25249.5) of Division 20 or Chapter 3.5 (commencing with Section 39650) of Division 26 shall be deemed to have complied with this section if it complies with the peer review processes established pursuant to these statutes.
- (c) No person may serve as an external scientific peer reviewer for the scientific portion of a rule if that person participated in the development of the scientific basis or scientific portion of the rule.
- (d) No board, department, or **Office** within the agency shall take any action to adopt the final version of a rule unless all of the following conditions are met:

- (1) The board, department, or **Office** submits the scientific portions of the proposed rule, along with a statement of the scientific findings, conclusions, and assumptions on which the scientific portions of the proposed rule are based and the supporting scientific data, studies, and other appropriate materials, to the external scientific peer review entity for its evaluation.
- (2) The external scientific peer review entity, within the timeframe agreed upon by the board, department, or **Office** and the external scientific peer review entity, prepares a written report that contains an evaluation of the scientific basis of the proposed rule. If the external scientific peer review entity finds that the board, department, or **Office** has failed to demonstrate that the scientific portion of the proposed rule is based upon sound scientific knowledge, methods, and practices, the report shall state that finding, and the reasons explaining the finding, within the agreed-upon timeframe. The board, department, or **Office** may accept the finding of the external scientific peer review entity, in whole, or in part, and may revise the scientific portions of the proposed rule accordingly. If the board, department, or **Office** disagrees with any aspect of the finding of the external scientific peer review entity, it shall explain, and include as part of the rulemaking record, its basis for arriving at such a determination in the adoption of the final rule, including the reasons why it has determined that the scientific portions of the proposed rule are based on sound scientific knowledge, methods, and practices.
- (e) The requirements of this section do not apply to any emergency regulation adopted pursuant to subdivision (b) of Section 11346.1 of the Government Code.
- (f) Nothing in this section shall be interpreted to, in any way, limit the authority of a board, department, or **Office** within the agency to adopt a rule pursuant to the requirements of the statute that authorizes or requires the adoption of the rule.

Government Code

11342.600. "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

Public Records

Government Code

[Note: there are 20+ pages of text associated with this Act. Refer to the complete code, starting with Section 6250, for details.]

6250. In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

6251. This chapter shall be known and may be cited as the California Public Records Act.

6252. As used in this chapter:

- (a) "State agency" means every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.
- (b) "Local agency" includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952.
- (c) "Person" includes any natural person, corporation, partnership, limited liability company, firm, or association.
- (d) "Public agency" means any state or local agency.
- (e) "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. "Public records" in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975.
- (f) "Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.
- (g) "Member of the public" means any person, except a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment.

6253.

- (a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.
- (b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

- (c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:
 - (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
 - (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
 - (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
 - (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.
- (d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.
- (e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

6253.1.

- (a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:
 - (1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
 - (2) Describe the information technology and physical location in which the records exist.
 - (3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
- (b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.
- (c) The requirements of subdivision (a) are in addition to any action required of a public agency by Section 6253.
- (d) This section shall not apply to a request for public records if any of the following applies:
 - (1) The public agency makes available the requested records pursuant to Section 6253.
 - (2) The public agency determines that the request should be denied and bases that determination solely on an exemption listed in Section 6254.
 - (3) The public agency makes available an index of its records.

6253.4.

- (a) Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section. The following state and local bodies shall establish written guidelines for accessibility of records. A copy of these guidelines shall be posted in a conspicuous public place at the offices of these bodies, and a copy of the guidelines shall be available upon request free of charge to any person requesting that body's records:

Department of Motor Vehicles
Department of Consumer Affairs
Department of Transportation
Department of Real Estate
Department of Corrections
Department of the Youth Authority
Department of Justice
Department of Insurance
Department of Corporations
Department of Managed Health Care
Secretary of State
State Air Resources Board
Department of Water Resources
Department of Parks and Recreation
San Francisco Bay Conservation and Development Commission
State Board of Equalization
State Department of Health Services
Employment Development Department
State Department of Social Services
State Department of Mental Health
State Department of Developmental Services
State Department of Alcohol and Drug Abuse
Office of Statewide Health Planning and Development
Public Employees' Retirement System
Teachers' Retirement Board
Department of Industrial Relations
Department of General Services
Department of Veterans Affairs
Public Utilities Commission
California Coastal Commission
State Water Resources Control Board
San Francisco Bay Area Rapid Transit District
All regional water quality control boards
Los Angeles County Air Pollution Control District
Bay Area Air Pollution Control District
Golden Gate Bridge, Highway and Transportation District
Department of Toxic Substances Control

Office of Environmental Health Hazard Assessment

- (b) Guidelines and regulations adopted pursuant to this section shall be consistent with all other sections of this chapter and shall reflect the intention of the Legislature to make the records accessible to the public. The guidelines and regulations adopted pursuant to this section shall not operate to limit the hours public records are open for inspection as prescribed in Section 6253.

Children's Health

Health and Safety Code

[Note: the following language reflects both general authority for OEHHA as well as specific responsibilities in assessing air quality. Rather than duplicating this section under air quality, take note of the specific air-quality related responsibilities when reviewing the statutes.]

900. There is hereby created the Children's Environmental Health Center within the Environmental Protection Agency. The primary purposes of the center shall include all of the following:

- (a) To serve as the chief advisor to the Secretary for Environmental Protection and to the Governor on matters within the jurisdiction of the Environmental Protection Agency relating to environmental health and environmental protection as each of those matters relates to children.
- (b) To assist the boards, departments, and offices within the Environmental Protection Agency to assess the effectiveness of statutes, regulations, and programs designed to protect children from environmental hazards.
- (c) To coordinate within the Environmental Protection Agency and with other state agencies, regulatory efforts, research and data collection, and other programs and services that impact the environmental health of children, and coordinate with appropriate federal agencies conducting related regulatory efforts and research and data collection.
- (d) In consultation with the State Air Resources Board and the **Office of Environmental Health Hazard Assessment**, and notwithstanding Section 7550.5 of the Government Code, to report to the Legislature and the Governor no later than December 31, 2001, on the progress of the state board and the **Office** toward implementing the act that added this part during the 1999-2000 Regular Session and to make recommendations for any statutory or regulatory changes that may be necessary to carry out the intent of that act to protect the public health, including infants and children, from air pollutants and toxic air contaminants.

901.

- (a) As used in this section:
 - (1) "Center" means the Children's Environmental Health Center established pursuant to Section 900.
 - (2) "**Office**" means the **Office of Environmental Health Hazard Assessment**.
- (b) On or before June 30, 2001, the **Office** shall review cancer risk assessment guidelines for use by the **Office** and the other entities within the California Environmental Protection Agency to establish cancer potency values or numerical health guidance values that adequately address carcinogenic exposures to the fetus, infants, and children.
- (c) The review required by subdivision (b) shall include a review of existing state and federal cancer risk guidelines, as well as new information on carcinogenesis, and shall consider the extent to which those guidelines address risks from exposures occurring early in life.
- (d) The review required by subdivision (b) shall also include, but not be limited to, all of the following:
 - (1) The development of criteria for identifying carcinogens likely to have a greater impact if exposures occur early in life.
 - (2) The assessment of methodologies used in existing guidelines to address early-in-life exposures.
 - (3) The construction of a data base of animal studies to evaluate increases in risks from short-term early-in-life exposures.

- (e) On or before June 30, 2004, the **Office** shall finalize and publish children's cancer guidelines that shall be protective of children's health. These guidelines shall be revised and updated as needed by the **Office**.
- (f)
 - (1) On or before December 31, 2002, the **Office** shall publish a guidance document, for use by the Department of Toxic Substances Control and other state and local environmental and public health agencies, to assess exposures and health risks at existing and proposed schoolsites. The guidance document shall include, but not be limited to, all of the following:
 - (A) Appropriate child-specific routes of exposure unique to the school environment, in addition to those in existing exposure assessment models.
 - (B) Appropriate available child-specific numerical health effects guidance values, and plans for the development of additional child-specific numerical health effects guidance values.
 - (C) The identification of uncertainties in the risk assessment guidance, and those actions that should be taken to address those uncertainties.
 - (2) The **Office** shall consult with the Department of Toxic Substances Control and the State Department of Education in the preparation of the guidance document required by paragraph (1) in order to ensure that it provides the information necessary for these two agencies to meet the requirements of Sections 17210.1 and 17213.1 of the Education Code.
- (g) On or before January 1, 2002, the **Office**, in consultation with the appropriate entities within the California Environmental Protection Agency, shall identify those chemical contaminants commonly found at schoolsites and determined by the **Office** to be of greatest concern based on criteria that identify child-specific exposures and child-specific physiological sensitivities. On or before December 31, 2002, and annually thereafter, the **Office** shall publish and make available to the public and to other state and local environmental and public health agencies and school districts, numerical health guidance values for five of those chemical contaminants identified pursuant to this subdivision until the contaminants identified have been exhausted.
- (h) On and after January 1, 2002, and biannually thereafter, the center shall report to the Legislature and the Governor on the implementation of this section as part of the report required by subdivision (d) of Section 900. The report shall include, but not be limited to, information on revisions or modifications made by the **Office** and other entities within the California Environmental Protection Agency to cancer potency values and other numerical health guidance values in order to be protective of children's health. The report shall also describe the use of the revised health guidance values in the programs and activities of the **Office** and the other boards and departments within the California Environmental Protection Agency.
- (i) Nothing in this section relieves any entity within the California Environmental Protection Agency of complying with Chapter 3.5 (commencing with Section 11340) of Part 2 of Division 3 Title 2 of the Government Code, to the extent that chapter is applicable to the entity on or before July 19, 2000, or the effective date of Section 57004.

Environmental Indicators

Public Resources Code

71080. The Legislature finds and declares the following:

- (a) Traditionally, many of California's environmental programs have assessed their performance using measures of activity, including, for example, the number of permits granted or regulatory standards adopted. Addressing the complex environmental challenges of the 21st century will require new approaches that rely on better information from objective and scientifically based environmental indicators. Over the years, substantial efforts have been devoted toward this end, yet historically there have been very few meaningful, objective measures with which to determine the environmental impacts of these efforts.
- (b) The California Environmental Protection Agency has made a commitment to move away from measures of activity, and instead focus on measurable environmental results to judge program performance. To support this commitment, the California Environmental Protection Agency established the Environmental Protection Indicators for California (EPIC) Project in 2000, and charged EPIC with developing and maintaining a comprehensive set of environmental indicators, which are scientific measurements of environmental conditions and trends. To ensure that the development of indicators was based on sound science, the California Environmental Protection Agency designated its **Office of Environmental Health Hazard Assessment** to lead the effort. The California Environmental Protection Agency, working in partnership with the Resources Agency and in cooperation with the Department of Health Services, released a report containing the initial set of 84 environmental indicators in April 2002.
- (c) Objective and scientifically based environmental indicators improve our understanding of the environment and how human activities and other factors can influence it. The indicators establish a scientific basis for evaluating the effectiveness of environmental programs and identifying the need for specific actions to improve environmental conditions throughout the state and the disproportionate impact on low-income communities and communities of color. Decisions to create, modify, or eliminate California Environmental Protection Agency policies and programs need to be driven by information reflected by environmental indicators; and, to the extent feasible, budget decisions should include a reference as to how the proposed change is intended to impact a relevant environmental indicator.
- (d) To ensure the credibility of objective and scientifically based environmental indicators, a qualified scientific body with expertise in environmental and public health protection should provide input into the selection and development of the indicators.
- (e) To ensure the relevance of the environmental indicators, input should be sought from a broad range of stakeholders.
- (f) It is the intent of the Legislature that the Secretary for Environmental Protection, the Secretary of the Resources Agency, and the Director of the Department of Health Services in conjunction with the boards, departments, and offices in their respective agencies, use environmental indicators, where applicable, in the development of the budget proposals for the 2005-06 fiscal year and each fiscal year thereafter.

71081.

- (a) Beginning on July 1, 2004, to the extent that funds are appropriated by the Legislature for this purpose, the **Office**, on behalf of the office of the secretary, shall develop and maintain a system of environmental indicators. The **Office** shall develop and maintain the system to meet all of the following objectives for using environmental indicators:

- (1) Provide policymakers and the public with an improved understanding of the condition of the state's environment and the effects of the release of contaminants on public health and the environment.
 - (2) Provide policymakers and the public with information to evaluate the effectiveness of the agency's programs in improving environmental quality and protecting public health throughout the state, including environmental quality and public health in low-income communities and communities of color.
 - (3) Assist in the development and modification of agency programs, plans, and policies as environmental conditions change over time.
 - (4) Assist the agency in making budget decisions that address the most significant environmental concerns.
- (b) The following definitions apply to this section:
- (1) "Agency" means the California Environmental Protection Agency.
 - (2) "Environmental indicator" means an objective and scientifically based measure that represents information on environmental conditions, releases of contaminants into the environment, or the effects of those releases.
 - (3) "**Office**" means the **Office of Environmental Health Hazard Assessment**.
 - (4) "Secretary" means the Secretary for Environmental Protection.
- (c) The secretary shall submit a report on the environmental indicators developed pursuant to this chapter to the Governor and the Legislature on or before January 1, 2006, and by January 1 every two years thereafter. The report shall include a discussion as to the manner in which the environmental indicators are being used by the agency to meet the objectives set forth in subdivision (a). The **Office** shall make the report available to the public on its Web site. The **Office** shall include on its Web site any additional relevant information in support of those environmental indicators and shall update that information posted on the Web site as new information becomes available.
- (d) The **Office** shall be the lead agency for developing new environmental indicators, for modifying, deleting, and updating existing environmental indicators, and for developing and maintaining an environmental indicator database. The **Office** shall lead an intra-agency workgroup, consisting of representatives from each of the boards, departments, and offices within the agency. The **Office** shall consult with the intra-agency workgroup in developing and maintaining the environmental indicators, program planning, policy formulation, and other decisionmaking processes, and in drafting the report required under subdivision (c).
- (e) In developing and maintaining the environmental indicators, the **Office** shall consult with the Resources Agency, the State Department of Health Services, and other state agencies as appropriate.
- (f) The **Office** may utilize information for indicators that is not collected by other boards and departments within the agency and may identify and establish new indicators.
- (h) In implementing this section, the **Office** may hold public meetings to receive comments from a broad range of stakeholders, including, but not limited to, local government, the regulated community, nongovernmental organizations, and other groups with an interest in environmental issues.
- (i) The **Office** shall consult with the scientific review panel established pursuant to Section 50.8 of the Labor Code for the purpose of establishing, updating, and evaluating environmental indicators.
- (j) The secretary shall periodically assess the ability of the environmental indicators system to meet each of the objectives cited in subdivision (a) and the ability of the system to support the development and implementation of the agencywide environmental justice strategy pursuant to Section 71113.

71082.

- (a) As appropriate, a budget change proposal submitted to the Legislature by a board, department, or **Office** within the California Environmental Protection Agency or the Resources Agency shall describe how the proposal would affect any applicable "Type I" environmental indicator. To the extent that a budget change proposal relates to a "Type II" or "Type III" environmental indicator, the budget change proposal shall reference what data collection and further analysis is needed before the environmental status or trend that is the subject of the indicator may be presented.
- (b) A board, department, or **Office** within the California Environmental Protection Agency shall explain how its bond programs relate to or affect environmental indicators.

Environmental Justice

Public Resources Code

71100. The following definitions govern the construction of this part:

- (a) "Cal BECC" means the California Border Environmental Cooperation Committee established on July 22, 1994, by the Governors of California, Baja California, and Baja California Sur.
- (b) "California-Baja California border region" means the region described in Chapter IV of the US-Mexico Border XXI Program, Framework Document, published October 1996.
- (c) "Fund" means the California Border Environmental Education Fund established pursuant to Section 71101.

71101.

- (a) The California Border Environmental and Public Health Protection Fund is hereby established in the State Treasury to receive funds appropriated in the annual Budget Act, and other sources, such as from North American Development Bank, Border Environment Cooperation Committee, United States Environmental Protection Agency, and private businesses or foundations, and any interest accrued on those funds.
- (b) The money in the fund shall be available, upon appropriation, to the Secretary of Environmental Protection, for allocation for expenditure for the purposes of this part.
- (c) The money in the fund shall not be made available for the purpose of bringing a person or a facility into compliance with environmental laws, or to provide funds to remediate environmental damage. The fund, instead, shall assist appropriate responsible agencies in California and Baja California in the implementation of projects to identify and resolve environmental and public health problems that directly threaten the health or environmental quality of California residents or sensitive natural resources of the California border region, including projects related to domestic and industrial wastewater, vehicle and industrial air emissions, hazardous waste transport and disposal, human and ecological risk, and disposal of municipal solid waste.

71102. The money in the fund shall be used for the following purposes:

- (a) To assist local governments in implementation of projects to identify and resolve environmental and public health problems that directly threaten the health or environmental quality of California residents or sensitive natural resources of the California border region, including projects related to domestic and industrial wastewater, vehicle and industrial air emissions, hazardous waste transport and disposal, human and ecological risks, and disposal of municipal solid waste.
- (b) To provide technical assistance to those persons and entities described in subdivision (a) with regard to environmental protection, public health protection, or natural resource protection.
- (c) To provide limited funds for equipment and labor costs associated with emergency abatement of environmental and public health problems imposed on residents of California due to cross-border impacts of pollutants originating from Baja California.
- (d) To provide analytical and scientific equipment and services needed by border area public agencies to identify and monitor the sources of environmental and public health threats posed by cross-border transmission of environmental pollutants and toxics.

71103.

- (a) The Secretary for Environmental Protection, upon request, shall inform any community-based nonprofit environmental organization, responsible local government, and special district located

within the California-Baja California border region that it may request funding pursuant to Section 71102.

- (b) The Secretary for Environmental Protection, in consultation with Cal BECC, shall award grants to a local governmental entity or special district, community-based nonprofit environmental organization, or postsecondary educational institution based on the severity of the environmental, public health, or natural resource concerns due to cross-border transmission of environmental pollutants or toxics to the city or county in which the entity, organization, or institution is located. First priority for funding shall be given to an entity, organization, or institution located in a city or county in which an environmental, public health, or natural resource threat exists and that has existing capability to respond to, implement, and abate the threat to California from cross-border sources.
- (c) The Secretary for Environmental Protection, on behalf of Cal BECC, shall accept donations of used equipment, including computers, printers, and lab equipment, for distribution to governmental entities and community-based nonprofit environmental organizations located within the California-Baja California border region and postsecondary educational institutions located within Baja California and within the California-Baja California border region, if the donations can be shown to contribute to the protection of the environment, public health, or natural resources of the California border region.

71104. This part shall only be operative during those fiscal years for which funds are appropriated in the annual Budget Act to implement this part, or are made available from contributions or donations from the sources identified in Section 71101. The Secretary for Environmental Protection shall inform the Secretary of State when funds are made available from contributions or donations from the sources identified in Section 71101.

71110. The California Environmental Protection Agency, in designing its mission for programs, policies, and standards, shall do all of the following:

- (a) Conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
- (b) Promote enforcement of all health and environmental statutes within its jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state.
- (c) Ensure greater public participation in the agency's development, adoption, and implementation of environmental regulations and policies.
- (d) Improve research and data collection for programs within the agency relating to the health of, and environment of, people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
- (e) Coordinate its efforts and share information with the United States Environmental Protection Agency.
- (f) Identify differential patterns of consumption of natural resources among people of different socioeconomic classifications for programs within the agency.
- (g) Consult with and review any information received from the Working Group on Environmental Justice established to assist the California Environmental Protection Agency in developing an agencywide strategy pursuant to Section 71113 that meets the requirements of this section.

71111. On or before January 1, 2001, the California Environmental Protection Agency shall develop a model environmental justice mission statement for boards, departments, and **Office** within the agency. For purposes of this section, environmental justice has the same meaning as defined in subdivision (e) of Section 65040.12 of the Government Code.

71112. In developing the model environmental justice mission statement pursuant to Section 71111, the California Environmental Protection Agency shall consult with, review, and evaluate any information received from the Working Group on Environmental Justice established pursuant to Section 71113.

71113.

- (a) On or before January 1, 2002, the Secretary for Environmental Protection shall convene a Working Group on Environmental Justice to assist the California Environmental Protection Agency in developing, on or before July 1, 2002, an agencywide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.
- (b) The working group shall be composed of the Secretary for Environmental Protection, the Chairs of the State Air Resources Board, the California Integrated Waste Management Board, and the State Water Resources Control Board, the Director of Toxic Substances Control, the Director of Pesticide Regulation, the Director of **Environmental Health Hazard Assessment**, and the Director of Planning and Research.
- (c) The working group shall do all of the following on or before April 1, 2002:
 - (1) Examine existing data and studies on environmental justice, and consult with state, federal, and local agencies and affected communities.
 - (2) Recommend criteria to the Secretary for Environmental Protection for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.
 - (3) Recommend procedures and provide guidance to the California Environmental Protection Agency for the coordination and implementation of intraagency environmental justice strategies.
 - (4) Recommend procedures for collecting, maintaining, analyzing, and coordinating information relating to an environmental justice strategy.
 - (5) Recommend procedures to ensure that public documents, notices, and public hearings relating to human health or the environment are concise, understandable, and readily accessible to the public. The recommendation shall include guidance for determining when it is appropriate for the California Environmental Protection Agency to translate crucial public documents, notices, and hearings relating to human health or the environment for limited-English-speaking populations.
 - (6) Hold public meetings to receive and respond to public comments regarding recommendations required pursuant to this section, prior to the finalization of the recommendations. The California Environmental Protection Agency shall provide public notice of the availability of draft recommendations at least one month prior to the public meetings.
 - (7) Make recommendations on other matters needed to assist the agency in developing an intraagency environmental justice strategy.

71114.1. After the California Environmental Protection Agency develops the strategy pursuant to Section 71113 and before December 31, 2003, each board, department, and **Office** within the agency shall, in coordination with the Secretary for Environmental Protection and the Director of the Office of Planning and Research, review its programs, policies, and activities and identify and address any gaps in its existing programs, policies, or activities that may impede the achievement of environmental justice.

71115. The Secretary for Environmental Protection shall, not later than January 1, 2004, and every three years thereafter, prepare and submit to the Governor and the Legislature a report on the implementation of this part.

Government Code

65040.12.

- (a) The [Governor's] office [of Planning and Research] shall be the coordinating agency in state government for environmental justice programs.
- (b) The director shall do all of the following:
 - (1) Consult with the Secretaries of the California Environmental Protection Agency, the Resources Agency, the Trade and Commerce Agency, and the Business, Transportation and Housing Agency, the Working Group on Environmental Justice established pursuant to Section 72002 of the Public Resources Code, any other appropriate state agencies, and all other interested members of the public and private sectors in this state.
 - (2) Coordinate the office's efforts and share information regarding environmental justice programs with the Council on Environmental Quality, the United States Environmental Protection Agency, the General Accounting Office, the Office of Management and Budget, and other federal agencies.
 - (3) Review and evaluate any information from federal agencies that is obtained as a result of their respective regulatory activities under federal Executive Order 12898, and from the Working Group on Environmental Justice established pursuant to Section 72002 of the Public Resources Code.
- (c) When it adopts its next edition of the general plan guidelines pursuant to Section 65040.2, but in no case later than July 1, 2003, the office shall include guidelines for addressing environmental justice matters in city and county general plans. The office shall hold at least one public hearing prior to the release of any draft guidelines, and at least one public hearing after the release of the draft guidelines. The hearings may be held at the regular meetings of the Planning Advisory and Assistance Council.
- (d) The guidelines developed by the office pursuant to subdivision (c) shall recommend provisions for general plans to do all of the following:
 - (1) Propose methods for planning for the equitable distribution of new public facilities and services that increase and enhance community quality of life throughout the community, given the fiscal and legal constraints that restrict the siting of these facilities.
 - (2) Propose methods for providing for the location, if any, of industrial facilities and uses that, even with the best available technology, will contain or produce material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant hazard to human health and safety, in a manner that seeks to avoid over-concentrating these uses in proximity to schools or residential dwellings.
 - (3) Propose methods for providing for the location of new schools and residential dwellings in a manner that seeks to avoid locating these uses in proximity to industrial facilities and uses that will contain or produce material that because of its quantity, concentration, or physical or chemical characteristics, poses a significant hazard to human health and safety.
 - (4) Propose methods for promoting more livable communities by expanding opportunities for transit-oriented development so that residents minimize traffic and pollution impacts from traveling for purposes of work, shopping, schools, and recreation.
- (e) For the purposes of this section, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

Air Quality

Criteria Air Pollutants and Toxic Air Contaminants: Non-pesticides

Health and Safety Code

425. The **Office of Environmental Health Hazard Assessment** shall submit to the State Air Resources Board recommendations for ambient air quality standards reflecting the relationship between the intensity and composition of air pollution and the health, illness, irritation to the senses, and the death of human beings.

39606.

- (a) The state board shall do both of the following:
 - (1) Based upon similar meteorological and geographic conditions and consideration for political boundary lines whenever practicable, divide the state into air basins to fulfill the purposes of this division.
 - (2) Adopt standards of ambient air quality for each air basin in consideration of the public health, safety, and welfare, including, but not limited to, health, illness, irritation to the senses, aesthetic value, interference with visibility, and effects on the economy. These standards may vary from one air basin to another. Standards relating to health effects shall be based upon the recommendations of the **Office of Environmental Health Hazard Assessment**.
- (b) In its recommendations for submission to the state board pursuant to paragraph (2) of subdivision (a), the **Office of Environmental Health Hazard Assessment**, to the extent that information is available, shall assess the following:
 - (1) Exposure patterns, including, but not limited to, patterns determined by relevant data supplied by the state board, among infants and children that are likely to result in disproportionately high exposure to ambient air pollutants in comparison to the general population.
 - (2) Special susceptibility of infants and children to ambient air pollutants in comparison to the general population.
 - (3) The effects on infants and children of exposure to ambient air pollutants and other substances that have a common mechanism of toxicity.
 - (4) The interaction of multiple air pollutants on infants and children, including the interaction between criteria air pollutants and toxic air contaminants.
- (c) In assessing the factors specified in subdivision (b), the **Office** shall use current principles, practices, and methods used by public health professionals who are experienced practitioners in the field of human health effects assessment. The scientific basis or scientific portion of the method used by the **Office** to assess the factors set forth in subdivision (b) shall be subject to peer review as described in Section 57004 or in a manner consistent with the peer review requirements of Section 57004. Any person may submit any information for consideration by the entity conducting the peer review, which may receive oral testimony.
- (d)
 - (1) No later than December 31, 2000, the state board in consultation with the **Office**, shall review all existing health-based ambient air quality standards to determine whether, based on public health, scientific literature, and exposure pattern data, the standards adequately protect the health of the public, including infants and children, with an adequate margin of safety. The state board shall publish a report summarizing these findings.
 - (2) The state board shall revise the highest priority ambient air quality standard determined to be inadequate to protect infants and children with an adequate margin of safety, based on its

report, no later than December 31, 2002. Following the revision of the highest priority standard, the state board shall revise any additional standards determined to be inadequate to protect infants and children with an adequate margin of safety, at the rate of at least one per year. The standards shall be established at levels that adequately protect the health of the public, including infants and children, with an adequate margin of safety.

- (e) Nothing in this section shall restrict the authority of the state board to consider additional information in establishing ambient air quality standards or to adopt an ambient air quality standard designed to protect vulnerable populations other than infants and children.

39619.6.

- (a) By June 30, 2002, the state board and the State Department of Health Services, in consultation with the State Department of Education, the Department of General Services, and the **Office of Environmental Health Hazard Assessment**, shall conduct a comprehensive study and review of the environmental health conditions in portable classrooms, as defined in subdivision (k) of Section 17070.15 of the Education Code.
- (b) The state board and the department shall jointly coordinate the study, oversee data analysis and quality assurance, coordinate stakeholder participation, and prepare recommendations. The state board shall develop and oversee the contract for field work, air monitoring, and data analysis, and obtain equipment for the study. The department shall oversee the assessment of ventilation systems and practices and the evaluation of microbiological contaminants, and may provide laboratory analyses as needed.
- (c) By August 31, 2000, the state board shall release a request for proposals for the field portion of the study. Field work shall begin not later than July 2001. The final report shall be completed on or before June 30, 2002, and shall be provided to the appropriate policy committees of the Legislature. The study of portable classrooms shall include all of the following:
 - (1) Review of design and construction specifications, including those for ventilation systems.
 - (2) Review of school maintenance practices, including the actual operation or nonoperation of ventilation systems.
 - (3) Assessment of indoor air quality.
 - (4) Assessment of potential toxic contamination, including molds and other biological contaminants.
- (d) The final report shall summarize the results of the study and review, and shall include recommendations to remedy and prevent unhealthful conditions found in portable classrooms, including the need for all of the following:
 - (1) Modified design and construction standards, including ventilation specifications.
 - (2) Emission limits for building materials and classroom furnishings.
 - (3) Other mitigation actions to ensure the protection of children's health.

39660.

- (a) Upon the request of the state board, the **Office**, in consultation with and with the participation of the state board, shall evaluate the health effects of and prepare recommendations regarding substances, other than pesticides in their pesticidal use, which may be or are emitted into the ambient air of California and that may be determined to be toxic air contaminants.
- (b) In conducting this evaluation, the **Office** shall consider all available scientific data, including, but not limited to, relevant data provided by the state board, the State Department of Health Services, the Occupational Safety and Health Division of the Department of Industrial Relations, the Department of Pesticide Regulation, international and federal health agencies, private industry, academic researchers, and public health and environmental organizations. The evaluation shall be performed using current principles, practices, and methods used by public health professionals who are experienced practitioners in the fields of epidemiology, human health effects assessment, risk assessment, and toxicity.

- (c) (1) The evaluation shall assess the availability and quality of data on health effects, including potency, mode of action, and other relevant biological factors, of the substance, and shall, to the extent that information is available, assess all of the following:
 - (A) Exposure patterns among infants and children that are likely to result in disproportionately high exposure to ambient air pollutants in comparison to the general population.
 - (B) Special susceptibility of infants and children to ambient air pollutants in comparison to the general population.
 - (C) The effects on infants and children of exposure to toxic air contaminants and other substances that have a common mechanism of toxicity.
 - (D) The interaction of multiple air pollutants on infants and children, including the interaction between criteria air pollutants and toxic air contaminants.
- (2) The evaluation shall also contain an estimate of the levels of exposure that may cause or contribute to adverse health effects. If it can be established that a threshold of adverse health effects exists, the estimate shall include both of the following factors:
 - (A) The exposure level below which no adverse health effects are anticipated.
 - (B) An ample margin of safety that accounts for the variable effects that heterogeneous human populations exposed to the substance under evaluation may experience, the uncertainties associated with the applicability of the data to human beings, and the completeness and quality of the information available on potential human exposure to the substance. In cases in which there is no threshold of significant adverse health effects, the **Office** shall determine the range of risk to humans resulting from current or anticipated exposure to the substance.
- (3) The scientific basis or scientific portion of the method used by the **Office** to assess the factors set forth in this subdivision shall be reviewed in a manner consistent with this chapter by the Scientific Review Panel on Toxic Air Contaminants established pursuant to Article 5 (commencing with Section 39670). Any person may submit any information for consideration by the panel, which may receive oral testimony.
- (d) The **Office** shall submit its written evaluation and recommendations to the state board within 90 days after receiving the request of the state board pursuant to subdivision (a). The **Office** may, however, petition the state board for an extension of the deadline, not to exceed 30 days, setting forth its statement of the reasons that prevent the **Office** from completing its evaluation and recommendations within 90 days. Upon receipt of a request for extension of, or noncompliance with, the deadline contained in this section, the state board shall immediately transmit to the Assembly Committee on Rules and the Senate Committee on Rules, for transmittal to the appropriate standing, select, or joint committee of the Legislature, a statement of reasons for extension of the deadline, along with copies of the **Office's** statement of reasons that prevent it from completing its evaluation and recommendations in a timely manner.
- (e) (1) The state board or a district may request, and any person shall provide, information on any substance that is or may be under evaluation and that is manufactured, distributed, emitted, or used by the person of whom the request is made, in order to carry out its responsibilities pursuant to this chapter. To the extent practical, the state board or a district may collect the information in aggregate form or in any other manner designed to protect trade secrets.
- (2) Any person providing information pursuant to this subdivision may, at the time of submission, identify a portion of the information submitted to the state board or a district as a trade secret and shall support the claim of a trade secret, upon the written request of the state board or district board. Subject to Section 1060 of the Evidence Code, information supplied that is a trade secret, as specified in Section 6254.7 of the Government Code, and that is so marked at the time of submission, shall not be released to any member of the public. This section does not prohibit the exchange of properly designated trade secrets between public

agencies when those trade secrets are relevant and necessary to the exercise of their jurisdiction if the public agencies exchanging those trade secrets preserve the protections afforded that information by this paragraph.

- (3) Any information not identified as a trade secret shall be available to the public unless exempted from disclosure by other provisions of law. The fact that information is claimed to be a trade secret is public information. Upon receipt of a request for the release of information that has been claimed to be a trade secret, the state board or district shall immediately notify the person who submitted the information, and shall determine whether or not the information claimed to be a trade secret is to be released to the public. The state board or district board, as the case may be, shall make its determination within 60 days after receiving the request for disclosure, but not before 30 days following the notification of the person who submitted the information. If the state board or district decides to make the information public, it shall provide the person who submitted the information 10 days' notice prior to public disclosure of the information.
- (f) The **Office** and the state board shall give priority to the evaluation and regulation of substances based on factors related to the risk of harm to public health, amount or potential amount of emissions, manner of, and exposure to, usage of the substance in California, persistence in the atmosphere, and ambient concentrations in the community. In determining the importance of these factors, the **Office** and the state board shall consider all of the following information, to the extent that it is available:
 - (1) Research and monitoring data collected by the state board and the districts pursuant to Sections 39607, 39617.5, 39701, and 40715, and by the United States Environmental Protection Agency pursuant to paragraph (2) of subsection (k) of Section 112 of the federal act (42 U.S.C. Sec. 7412(k)(2)).
 - (2) Emissions inventory data reported for substances subject to Part 6 (commencing with Section 44300) and the risk assessments prepared for those substances.
 - (3) Toxic chemical release data reported to the state emergency response commission pursuant to Section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. Sec. 11023) and Section 6607 of the Pollution Prevention Act of 1990 (42 U.S.C. Sec. 13106).
 - (4) Information on estimated actual exposures to substances based on geographic and demographic data and on data derived from analytical methods that measure the dispersion and concentrations of substances in ambient air.

39660.5.

- (a) In evaluating the level of potential human exposure to toxic air contaminants, the state board shall assess that exposure in indoor environments as well as in ambient air conditions.
- (b) The state board shall consult with the State Department of Health Services, pursuant to the program on indoor environmental quality established under Chapter 7 (commencing with Section 105400) of Part 5 of Division 103, concerning what potential toxic air contaminants may be found in the indoor environment and on the best methodology for measuring exposure to these contaminants.
- (c) When the state board identifies toxic air pollutants that have been found in any indoor environment, the state board shall refer all available data on that exposure and the suspected source of the pollutant to the State Department of Health Services, the Division of Occupational Safety and Health of the Department of Industrial Relations, the State Energy Resources Conservation and Development Commission, the Department of Housing and Community Development, and the Department of Consumer Affairs.
- (d) In assessing human exposure to toxic air contaminants in indoor environments pursuant to this section, the state board shall identify the relative contribution to total exposure to the contaminant from indoor concentrations, taking into account both ambient and indoor air environments.

39661.

- (a) (1) Upon receipt of the evaluation and recommendations prepared pursuant to Section 39660, the state board, in consultation with, and with the participation of, the **Office**, shall prepare a report in a form which may serve as the basis for regulatory action regarding a particular substance pursuant to subdivisions (b) and (c) of Section 39662.
- (2) The report shall include and be developed in consideration of the evaluation and recommendations of the **Office**.
- (b) The report, together with the scientific data on which the report is based, shall, with the exception of trade secrets, be made available to the public and shall be formally reviewed by the scientific review panel established pursuant to Section 39670. The panel shall review the scientific procedures and methods used to support the data, the data itself, and the conclusions and assessments on which the report is based. Any person may submit any information for consideration by the panel, which may, at its discretion, receive oral testimony. The panel shall submit its written findings to the state board within 45 days after receiving the report. The panel may, however, petition the state board for an extension of the deadline, which may not exceed 15 working days.
- (c) If the scientific review panel determines that the health effects report is not based upon sound scientific knowledge, methods, or practices, the report shall be returned to the state board, and the state board, in consultation with, and with the participation of, the **Office**, shall prepare revisions to the report which shall be resubmitted, within 30 days following receipt of the panel's determination, to the scientific review panel which shall review the report in conformance with subdivision (b) prior to a formal proposal by the state board pursuant to Section 39662.

39662.

- (a) Within 10 working days following receipt of the findings of the scientific review panel pursuant to subdivision (c) of Section 39661, the state board shall prepare a hearing notice and a proposed regulation which shall include the proposed determination as to whether a substance is a toxic air contaminant.
- (b) After conducting a public hearing pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the state board shall list, by regulation, substances determined to be toxic air contaminants.
- (c) If a substance is determined to be a toxic air contaminant, the regulation shall specify a threshold exposure level, if any, below which no significant adverse health effects are anticipated, and an ample margin of safety which accounts for the factors described in subdivision (c) of Section 39660.
- (d) In evaluating the nature of the adverse health effect and the range of risk to humans from exposure to a substance, the state board shall utilize scientific criteria which are protective of public health, consistent with current scientific data.
- (e) Any person may petition the state board to review a determination made pursuant to this section. The petition shall specify the additional scientific evidence regarding the health effects of a substance which was not available at the time the original determination was made and any other evidence which would justify a revised determination.

39669.5. The Legislature finds and declares that certain toxic air contaminants may pose risks that cause infants and children to be especially susceptible to illness and that certain actions are necessary to ensure their safety from toxic air contaminants.

- (a) By July 1, 2001, the following shall occur:
 - (1) The **Office**, in consultation with the state board, shall establish a list of up to five toxic air contaminants identified or designated by the state board pursuant to Section 39657 that may cause infants and children to be especially susceptible to illness. In developing the list, the **Office** shall take into account public exposures to toxic air contaminants, whether by

themselves or interacting with other toxic air contaminants or criteria pollutants, and the factors listed in subdivision (c) of Section 39660. The **Office** shall submit a report containing the list and its reasons for including the toxic air contaminants on the list to the Scientific Review Panel on Toxic Air Contaminants established pursuant to Article 5 (commencing with Section 39670).

- (2) The scientific review panel, in a manner consistent with this chapter, shall review the list of toxic air contaminants submitted by the **Office** pursuant to paragraph (1). As part of the review, any person may submit any information for consideration by the panel, which may receive oral testimony.
- (b) (1) Within two years of the establishment of the list required pursuant to subdivision (a), the state board shall review and, as appropriate, revise any control measures adopted for the toxic air contaminants identified on the list, to reduce exposure to those toxic air contaminants pursuant to Article 4 (commencing with Section 39665), to protect public health, and particularly infants and children.
- (2) Within three years of the establishment of the list required pursuant to subdivision (a), for up to five of those toxic air contaminants for which no control measures have been previously adopted, the state board shall prepare a report on the need for regulations, following the procedure specified in Section 39665. The state board shall adopt within that same three-year timeframe, as appropriate, any new control measures to reduce exposure to those toxic air contaminants pursuant to Article 4 (commencing with Section 39665), to protect public health, particularly infants and children.
- (c) Beginning July 1, 2004, the **Office** shall annually evaluate at least 15 toxic air contaminants identified or designated by the state board pursuant to Section 39657, and provide threshold exposure levels and nonthreshold health values, as appropriate, for those toxic air contaminants. The activities required pursuant to this subdivision shall continue until all toxic air contaminants are evaluated. The levels shall be established pursuant to the procedures adopted for health and risk assessments pursuant to paragraph (2) of subdivision (b) of Section 44360, and taking into account the factors listed in subdivision (c) of Section 39660. Based on this evaluation, and after review by the scientific review panel as prescribed in paragraph (2) of subdivision (a), the **Office** shall update the list established pursuant to subdivision (a), by July 1, 2005, and each year thereafter. Within three years of the initial or subsequent listing update, for up to five of the toxic air contaminants contained on that list for which no control measures have been previously adopted, or for at least five of the toxic air contaminants if more than five toxic air contaminants have been identified, the state board shall prepare a report on the need for regulation, following the procedure specified in Section 39665. The state board shall adopt within that three-year timeframe, as appropriate, new control measures, pursuant to Article 4 (commencing with Section 39665), to reduce exposure to those toxic air contaminants, to protect public health, and particularly infants and children.
- (d) Toxic air contaminants evaluated and listed pursuant to this section shall not include substances in those uses that are not subject to regulation by the state board pursuant to this chapter.

39670.

- (a) A nine-member Scientific Review Panel on Toxic Air Contaminants shall be appointed to advise the state board and the Department of Pesticide Regulation in their evaluation of the health effects toxicity of substances pursuant to Article 3 (commencing with Section 39660) of this chapter and Article 1.5 (commencing with Section 14021) of Chapter 3 of Division 7 of the Food and Agricultural Code.
- (b) The members of the panel shall be highly qualified and professionally active or engaged in the conduct of scientific research, and shall be appointed as follows, subject to Section 39671, for a term of three years:
 - (1) Five members shall be appointed by the Secretary for Environmental Protection, one of

- whom shall be qualified as a pathologist, one of whom shall be qualified as an oncologist, one of whom shall be qualified as an epidemiologist, one of whom shall be qualified as an atmospheric scientist, and one who shall have relevant scientific experience and shall be experienced in the operation of scientific review or advisory bodies.
- (2) Two members shall be appointed by the Senate Committee on Rules, one of whom shall be qualified as a biostatistician and one of whom shall be a physician or scientist specializing in occupational medicine.
 - (3) Two members shall be appointed by the Speaker of the Assembly, one of whom shall be qualified as a toxicologist and one of whom shall be qualified as a biochemist or molecular biologist.
 - (4) Members of the panel shall be appointed from a pool of nominees submitted to each appointing body by the President of the University of California. The pool shall include, at a minimum, three nominees for each discipline represented on the panel, and shall include only individuals who hold, or have held, academic or equivalent appointments at universities and their affiliates in California.
- (c) The Secretary for Environmental Protection shall appoint a member of the panel to serve as chairperson.
 - (d) The panel may utilize special consultants or establish ad hoc committees, which may include other scientists, to assist it in performing its functions.
 - (e) Members of the panel, and any ad hoc committee established by the panel, shall submit annually a financial disclosure statement that includes a listing of income received within the preceding three years, including investments, grants, and consulting fees derived from individuals or businesses which might be affected by regulatory actions undertaken by the state board or districts pursuant to this chapter. The financial disclosure statements submitted pursuant to this subdivision are public information. Members of the panel shall be subject to the disqualification requirements of Section 87100 of the Government Code.
 - (f) Members of the panel shall receive one hundred dollars (\$100) per day for attending panel meetings and meetings of the state board, or upon authorization of the chairperson of the state board while on official business of the panel, and shall be reimbursed for actual and necessary travel expenses incurred in the performance of their duties.
 - (g) The state board and the **Office of Environmental Health Hazard Assessment**, and, in the case of economic poisons, the Department of Pesticide Regulation, shall provide sufficient resources for support of the panel, including technical, administrative, and clerical support, which shall include, but not be limited to, office facilities and staff sufficient for the maintenance of files, scheduling of meetings, arrangement of travel accommodations, and preparation of panel findings, as required by subdivision (b) of Section 39661.

Toxic Air Contaminants: Pesticides

Food and Agricultural Code

14021.

- (a) As used in this article, "pesticide" is defined in Section 12753.
- (b) For purposes of this article, "toxic air contaminant" means an air pollutant that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health. Pesticides that have been identified as hazardous air pollutants pursuant to Section 7412 of Title 42 of the United States Code shall be identified by the director as toxic air contaminants.

14022.

- (a) In consultation with the **Office of Environmental Health Hazard Assessment** and the State Air Resources Board, the director shall evaluate the health effects of pesticides which may be or are emitted into the ambient air of California and which may be determined to be a toxic air contaminant which poses a present or potential hazard to human health. Upon request of the State Air Resources Board, the director shall include a pesticide for evaluation.
- (b) The director shall complete the evaluation of a pesticide within 90 days after receiving the scientific data specified in subdivision (c) from the **Office** and the State Air Resources Board. The director may extend the 90-day deadline for a period not to exceed 30 days if the director transmits to the Assembly Committee on Rules and the Senate Committee on Rules, for transmittal to the appropriate standing, select, or joint committee of the Legislature, a statement of reasons for extension of the deadline.
- (c) In conducting this evaluation, the director shall consider all available scientific data, including, but not limited to, relevant data provided by the **Office**, the Occupational Safety and Health Division of the Department of Industrial Relations, international and federal health agencies, private industry, academic researchers, and public health and environmental organizations. At the request of the director, the State Air Resources Board shall document the level of airborne emissions and the **Office** shall provide an assessment of related health effects of pesticides which may be determined to pose a present or potential hazard and each agency shall provide technical assistance to the department as it conducts its evaluation.
- (d) The director may request, and any person shall provide, information on any substance which is or may be under evaluation and which is manufactured, distributed, or used by the person to whom the request is made, in order to carry out his or her responsibilities pursuant to this chapter. Any person providing information pursuant to this subdivision shall, at the request of the director, identify that portion of the information submitted to the department which is a trade secret and, upon the request of the director, shall provide documentation to support the claim of the trade secret. Information supplied which is a trade secret, as specified in Section 6254.7 of the Government Code, and which is so marked at the time of submission shall not be released to the public by the director, except in accordance with Section 1060 of the Evidence Code and Section 21160 of the Public Resources Code.
- (e) The director shall give priority to the evaluation and regulation of substances based on factors related to the risk of harm to public health, amount or potential amount of emissions, manner of usage of the pesticide in California, persistence in the atmosphere, and ambient concentrations in the community.

14023.

- (a) Upon completion of the evaluation conducted pursuant to Section 14022, the **Office of Environmental Health Hazard Assessment** shall prepare a report on the health effects of the pesticide which may be determined to be a toxic air contaminant which poses a present or potential hazard to human health due to airborne emission from its use. The report shall assess the availability and quality of data on health effects, including potency, mode of action, and other relevant biological factors, of the substance. The report shall also contain an estimate of the levels of exposure which may cause or contribute to adverse health effects and, in the case where there is no threshold of significant adverse health effects, the range of risk to humans, resulting from current or anticipated exposure. The report shall include the findings of the **Office**. The report shall be made available to the public, subject to subdivision (d) of Section 14022.
- (b) The report prepared pursuant to subdivision (a) shall be formally reviewed by the scientific review panel established according to Section 39670 of the Health and Safety Code. The director shall also make available the data deemed necessary to the scientific review panel, according to departmental procedures established to ensure confidentiality of proprietary information. The panel shall review, as appropriate, the scientific data on which the report is based, the scientific procedures and methods used to support the data, and the conclusions and assessments on which the report is based. The panel shall submit its written findings to the director within 45 days after receiving the report, but it may petition the director for an extension of the deadline, which may not exceed 15 working days.
- (c) If the scientific review panel determines that the health effects report is seriously deficient, the report shall be returned to the director who shall revise and resubmit the report, within 30 days following receipt of the panel's determination, to the panel prior to development of emission control measures.
- (d) Within 10 working days following receipt of the findings of the scientific review panel pursuant to subdivision (b), the director shall prepare a hearing notice and a proposed regulation which shall include the proposed determination as to whether a pesticide is a toxic air contaminant. After conducting a public hearing pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the director shall list, by regulation, pesticides determined to be toxic air contaminants.
- (e) The director shall determine, in consultation with the **Office**, the State Air Resources Board, and the air pollution control districts or air quality management districts in the affected counties, the need for and appropriate degree of control measures for each pesticide listed as a toxic air contaminant pursuant to subdivision (d). Any person may submit written information for consideration by the director in making determinations on control measures.

14024.

- (a) For those pesticides for which a need for control measures has been determined pursuant to subdivision (e) of Section 14023 and pursuant to provisions of this code, the director, in consultation with the agricultural commissioners and air pollution control districts and air quality management districts in the affected counties, shall develop control measures designed to reduce emissions sufficiently so that the source will not expose the public to the levels of exposure which may cause or contribute to significant adverse health effects. Where no demonstrable safe level or threshold of significant adverse health effects has been established by the director, the control measures shall be designed to adequately prevent an endangerment of public health through the application of best practicable control techniques.
- (b) Best practicable control techniques may include, but are not limited to, the following:
 - (1) Label amendments.
 - (2) Applicator training.
 - (3) Restrictions on use patterns or locations.
 - (4) Changes in application procedures.

- (5) Reclassification as a restricted material.
 - (6) Cancellation.
- (c) After conducting a public hearing pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the director shall adopt, by regulation, control measures, including application of the best practicable control techniques enumerated in subdivision (b) or any other best applicable control technique, for those pesticides for which a need has been determined.

Air Emissions: Air Toxic Hot Spots

Health and Safety Code

44300. This part shall be known and may be cited as the Air Toxics "Hot Spots" Information and Assessment Act of 1987.

44301. The Legislature finds and declares all of the following:

- (a) In the wake of recent publicity surrounding planned and unplanned releases of toxic chemicals into the atmosphere, the public has become increasingly concerned about toxics in the air.
- (b) The Congressional Research Service of the Library of Congress has concluded that 75 percent of the United States population lives in proximity to at least one facility that manufactures chemicals. An incomplete 1985 survey of large chemical companies conducted by the Congressional Research Service documented that nearly every chemical plant studied routinely releases into the surrounding air significant levels of substances proven to be or potentially hazardous to public health.
- (c) Generalized emissions inventories compiled by air pollution control districts and air quality management districts in California confirm the findings of the Congressional Research Service survey as well as reveal that many other facilities and businesses which do not actually manufacture chemicals do use hazardous substances in sufficient quantities to expose, or in a manner that exposes, surrounding populations to toxic air releases.
- (d) These releases may create localized concentrations or air toxics "hot spots" where emissions from specific sources may expose individuals and population groups to elevated risks of adverse health effects, including, but not limited to, cancer and contribute to the cumulative health risks of emissions from other sources in the area. In some cases where large populations may not be significantly affected by adverse health risks, individuals may be exposed to significant risks.
- (e) Little data is currently available to accurately assess the amounts, types, and health impacts of routine toxic chemical releases into the air. As a result, there exists significant uncertainty about the amounts of potentially hazardous air pollutants which are released, the location of those releases, and the concentrations to which the public is exposed.
- (f) The State of California has begun to implement a long-term program to identify, assess, and control ambient levels of hazardous air pollutants, but additional legislation is needed to provide for the collection and evaluation of information concerning the amounts, exposures, and short- and long-term health effects of hazardous substances regularly released to the surrounding atmosphere from specific sources of hazardous releases.
- (g) In order to more effectively implement control strategies for those materials posing an unacceptable risk to the public health, additional information on the sources of potentially hazardous air pollutants is necessary.
- (h) It is in the public interest to ascertain and measure the amounts and types of hazardous releases and potentially hazardous releases from specific sources that may be exposing people to those releases, and to assess the health risks to those who are exposed.

44302. The definitions set forth in this chapter govern the construction of this part.

44303. "Air release" or "release" means any activity that may cause the issuance of air contaminants, including the actual or potential spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a substance into the ambient air and that results

from the routine operation of a facility or that is predictable, including, but not limited to, continuous and intermittent releases and predictable process upsets or leaks.

44304. "Facility" means every structure, appurtenance, installation, and improvement on land, which is associated with a source of air releases or potential air releases of a hazardous material.

44306. "Health risk assessment" means a detailed comprehensive analysis prepared pursuant to Section 44361 to evaluate and predict the dispersion of hazardous substances in the environment and the potential for exposure of human populations and to assess and quantify both the individual and population wide health risks associated with those levels of exposure.

44307. "Operator" means the person who owns or operates a facility or part of a facility.

44308. "Plan" means the emissions inventory plan which meets the conditions specified in Section 44342.

44309. "Report" means the emissions inventory report specified in Section 44341.

44320. This part applies to the following:

- (a) Any facility which manufactures, formulates, uses, or releases any of the substances listed pursuant to Section 44321 or any other substance which reacts to form a substance listed in Section 44321 and which releases or has the potential to release total organic gases, particulates, or oxides of nitrogen or sulfur in the amounts specified in Section 44322.
- (b) Except as provided in Section 44323, any facility which is listed in any current toxics use or toxics air emission survey, inventory, or report released or compiled by a district. A district may, with the concurrence of the state board, waive the application of this part pursuant to this subdivision for any facility which the district determines will not release any substance listed pursuant to Section 44321 due to a shutdown or a process change.

44321. For the purposes of Section 44320, the state board shall compile and maintain a list of substances that contains, but is not limited to, all of the following:

- (a) Substances identified by reference in paragraph (1) of subdivision (b) of Section 6382 of the Labor Code and substances placed on the list prepared by the National Toxicology Program and issued by the United States Secretary of Health and Human Services pursuant to paragraph (4) of subsection (b) of Section 241 of Title 42 of the United States Code. For the purposes of this subdivision, the state board may remove from the list any substance which meets both of the following criteria:
 - (1) No evidence exists that it has been detected in air.
 - (2) The substance is not manufactured or used in California, or, if manufactured or used in California, because of the physical or chemical characteristics of the substance or the manner in which it is manufactured or used, there is no possibility that it will become airborne.
- (b) Carcinogens and reproductive toxins referenced in or compiled pursuant to Section 25249.8, except those which meet both of the criteria identified in subdivision (a).
- (c) Substances designated by the state board as toxic air contaminants pursuant to subdivision (b) of Section 39657 and substances on the candidate list of potential toxic air contaminants and the list of designated toxic air contaminants prepared by the state board pursuant to Article 3 (commencing with Section 39660) of Chapter 3.5 of Part 2, including, but not limited to, all substances currently under review and scheduled or nominated for review and substances identified and listed for which health effects information is limited.
- (d) Substances for which an information or hazard alert has been issued by the repository of current data established pursuant to Section 147.2 of the Labor Code.

- (e) Substances reviewed, under review, or scheduled for review as air toxics or potential air toxics by the Office of Air Quality Planning and Standards of the Environmental Protection Agency, including substances evaluated in all of the following categories or their equivalent: preliminary health and source screening, detailed assessment, intent to list, decision not to regulate, listed, standard proposed, and standard promulgated.
- (f) Any additional substances recognized by the state board as presenting a chronic or acute threat to public health when present in the ambient air, including, but not limited to, any neurotoxins or chronic respiratory toxicants not included within subdivision (a), (b), (c), (d), or (e).

44322. This part applies to facilities specified in subdivision (a) of Section 44320 in accordance with the following schedule:

- (a) For those facilities that release, or have the potential to release, 25 tons per year or greater of total organic gases, particulates, or oxides of nitrogen or sulfur, this part becomes effective on July 1, 1988.
- (b) For those facilities that release, or have the potential to release, more than 10 but less than 25 tons per year of total organic gases, particulates, or oxides of nitrogen or sulfur, this part becomes effective July 1, 1989.
- (c) For those facilities that release, or have the potential to release, less than 10 tons per year of total organic gases, particulates, or oxides of nitrogen or sulfur, the state board shall, on or before July 1, 1990, prepare and submit a report to the Legislature identifying the classes of those facilities to be included in this part and specifying a timetable for their inclusion.

44323. A district may prepare an industry wide emissions inventory and health risk assessment for facilities specified in subdivision (b) of Section 44320 and subdivisions (a) and (b) of Section 44322, and shall prepare an industry wide emissions inventory for the facilities specified in subdivision (c) of Section 44322, in compliance with this part for any class of facilities that the district finds and determines meets all of the following conditions:

- (a) All facilities in the class fall within one four-digit Standard Industrial Classification Code.
- (b) Individual compliance with this part would impose severe economic hardships on the majority of the facilities within the class.
- (c) The majority of the class is composed of small businesses.
- (d) Releases from individual facilities in the class can easily and generically be characterized and calculated.

44324. This part does not apply to any facility where economic poisons are employed in their pesticidal use, unless that facility was subject to district permit requirements on or before August 1, 1987. As used in this section, "pesticidal use" does not include the manufacture or formulation of pesticides.

44325. Any solid waste disposal facility in compliance with Section 41805.5 is in compliance with the emissions inventory requirements of this part.

44343. The district shall review the reports submitted pursuant to Section 44341 and shall, within 90 days, review each report, obtain corrections and clarifications of the data, and notify the **Office of Environmental Health Hazard Assessment**, the Department of Industrial Relations, and the city or county health department of its findings and determinations as a result of its review of the report.

44360.

- (a) Within 90 days of completion of the review of all emissions inventory data for facilities specified in subdivision (a) of Section 44322, but not later than December 1, 1990, the district shall, based on examination of the emissions inventory data and in consultation with the state board and the **Office of Environmental Health Hazard Assessment**, prioritize and then categorize those facilities for

the purposes of health risk assessment. The district shall designate high, intermediate, and low priority categories and shall include each facility within the appropriate category based on its individual priority. In establishing priorities pursuant to this section, the district shall consider the potency, toxicity, quantity, and volume of hazardous materials released from the facility, the proximity of the facility to potential receptors, including, but not limited to, hospitals, schools, daycare centers, worksites, and residences, and any other factors that the district finds and determines may indicate that the facility may pose a significant risk to receptors. The district shall hold a public hearing prior to the final establishment of priorities and categories pursuant to this section.

- (b) Within 150 days of the designation of priorities and categories pursuant to subdivision (a), the operator of every facility that has been included within the highest priority category shall prepare and submit to the district a health risk assessment pursuant to Section 44361. The district may, at its discretion, grant a 30-day extension for submittal of the health risk assessment.
- (c) Upon submission of emissions inventory data for facilities specified in subdivisions (b) and (c) of Section 44322, the district shall designate facilities for inclusion within the highest priority category, as appropriate, and any facility so designated shall be subject to subdivision (b). In addition, the district may require the operator of any facility to prepare and submit health risk assessments, in accordance with the priorities developed pursuant to subdivision (a).
- (d) The district shall, except where site specific factors may affect the results, allow the use of a single health risk assessment for two or more substantially identical facilities operated by the same person.

44361.

- (a) Each health risk assessment shall be submitted to the district. The district shall make the health risk assessment available for public review, upon request. After preliminary review of the emissions impact and modeling data, the district shall submit the health risk assessment to the **Office of Environmental Health Hazard Assessment** for review and, within 180 days of receiving the health risk assessment, the **Office** shall submit to the district its comments on the data and findings relating to health effects. The district shall consult with the state board as necessary to adequately evaluate the emissions impact and modeling data contained within the risk assessment.
- (b) For the purposes of complying with this section, the **Office of Environmental Health Hazard Assessment** may select a qualified independent contractor to review the data and findings relating to health effects. The **Office** shall not select an independent contractor to review a specific health risk assessment who may have a conflict of interest with regard to the review of that health risk assessment. Any review by an independent contractor shall comply with the following requirements:
 - (1) Be performed in a manner consistent with guidelines provided by the **Office**.
 - (2) Be reviewed by the **Office** for accuracy and completeness.
 - (3) Be submitted by the **Office** to the district in accordance with this section.
- (c) The district shall reimburse the **Office of Environmental Health Hazard Assessment** or the qualified independent contractor designated by the **Office** pursuant to subdivision (b), within 45 days of its request, for its actual costs incurred in reviewing a health risk assessment pursuant to this section.
- (d) If a district requests the **Office of Environmental Health Hazard Assessment** to consult with the district concerning any requirement of this part, the district shall reimburse the **Office**, within 45 days of its request, for the costs incurred in the consultation.
- (e) Upon designation of the high priority facilities, as specified in subdivision (a) of Section 44360, the **Office of Environmental Health Hazard Assessment** shall evaluate the staffing requirements of this section and may submit recommendations to the Legislature, as appropriate, concerning the maximum number of health risk assessments to be reviewed each year pursuant to this section.

44362.

- (a) Taking the comments of the **Office of Environmental Health Hazard Assessment** into account, the district shall approve or return for revision and resubmission and then approve, the health risk assessment within 180 days of receipt. If the health risk assessment has not been revised and resubmitted within 60 days of the district's request of the operator to do so, the district may modify the health risk assessment and approve it as modified.
- (b) Upon approval of the health risk assessment, the operator of the facility shall provide notice to all exposed persons regarding the results of the health risk assessment prepared pursuant to Section 44361 if, in the judgment of the district, the health risk assessment indicates there is a significant health risk associated with emissions from the facility. If notice is required under this subdivision, the notice shall include only information concerning significant health risks attributable to the specific facility for which the notice is required. Any notice shall be made in accordance with procedures specified by the district.

Incineration

Hazardous Waste

Health and Safety Code

41982. The state board shall, after completing the study referred to in Section 41981, in consultation with the affected districts the Department of Toxic Substances Control, and the **Office of Environmental Health Hazard Assessment**, and after public hearings, establish guidelines for the issuance of permits by the districts for the incineration of toxic waste materials. The guidelines shall take into consideration factors including, but not limited to, the following:

- (a) The characteristics of the toxic waste materials to be incinerated.
- (b) The methods or equipment available to minimize or eliminate the emission of air contaminants.
- (c) The applicable federal standards, including, but not limited to, the regulations <<-found->> in Part 264 of Title 40 of the Code of Federal Regulations (40 CFR 264) concerning standards for owners and operators of hazardous waste treatment, storage, and disposal facilities. Where the guidelines deviate from the adopted federal standards, the reason for the difference shall be noted by the state board.

Municipal Waste

Health and Safety Code

42315.

- (a) No district shall issue or renew a permit for the construction of, renew a permit for the operation of, or issue a determination of compliance for, any project which burns municipal waste or refuse-derived fuel unless all of the following conditions have been met:
 - (1) The project will not prevent or interfere with the attainment or maintenance of state and federal ambient air quality standards.
 - (2) The project will comply with all applicable emission limitations established prior to issuance of the permit or the determination of compliance.
 - (3) The project will, after issuance of the permit or determination of compliance, comply with toxic air contaminant control measures adopted by the district pursuant to Section 39666, and regulations adopted by the district pursuant to Section 41700 for the protection of public health. Notwithstanding Section 42301.5, compliance with this subdivision shall be consistent with a reasonable schedule, as determined by the district.
- (4) (A) A health risk assessment is performed and is submitted by the district to both the state board and the **Office of Environmental Health Hazard Assessment** for review. The state board shall review and, within 15 days, notify the district and the applicant as to whether the data pertaining to emissions and their impact on ambient air quality are adequate for completing its review pursuant to this subdivision, and what additional data, if any, are required to complete its review. Within 45 days of receiving the health risk assessment, the state board shall submit its comments in writing to the district, on the data pertaining to emissions and their impact on ambient air quality. The district shall forward a copy of the comments of the state board to the **Office**. The **Office** shall review and, within 90 days of receiving the health risk assessment, shall submit its comments to the district on the data and findings relating to health effects

- (B) For purposes of complying with the requirements of this paragraph, the **Office of Environmental Health Hazard Assessment** may select a qualified independent contractor to review the data and findings relating to health effects. In those cases, the review by the independent contractor shall comply with the following requirements:
 - (i) Be performed in a manner consistent with guidelines provided by the **Office**.
 - (ii) Be reviewed by the **Office** for accuracy and completeness.
 - (iii) Be submitted by the **Office** to the district in accordance with the schedules established by this paragraph.
 - (C) Notwithstanding Section 6103 of the Government Code, the district shall reimburse the **Office of Environmental Health Hazard Assessment**, or a qualified independent contractor designated by the **Office** pursuant to subparagraph (B), for its actual costs incurred in reviewing a health risk assessment for any project subject to this section.
 - (D) An application for any project which burns municipal waste or refuse- derived fuel is not complete until both of the following have been accomplished:
 - (i) The health risk assessment has been performed and is submitted to the district.
 - (ii) The state board and the **Office of Environmental Health Hazard Assessment**, or a qualified independent contractor designated by the **Office** pursuant to subparagraph (B) have completed their review pursuant to this paragraph, and have submitted their comments to the district, unless the state board and the **Office** have failed to submit their comments to the district within 90 days and the district makes a finding that the application contains sufficient information for the district to begin its initial review.
 - (E) This paragraph shall not apply to an application for permit renewal for any project otherwise subject to this section.
- (5) The district finds and determines, based upon the health risk assessment, comments from the state board and the **Office of Environmental Health Hazard Assessment**, and any other relevant information, that no significant increase in the risk of illness or mortality, including, but not limited to, increases in the risk of cancer and birth defects, is anticipated as a result of air pollution from the construction and operation of the project. This paragraph shall not apply to an application for permit renewal for any project otherwise subject to this section.
- (6) Prior to, and during, commercial operation of the project, periodic monitoring of emissions, including, but not limited to, toxic air contaminants, is performed pursuant to specifications established by the district.
- (b) This section does not prohibit a district from requiring ambient air monitoring under any other provision of law.
 - (c) This section does not apply to any project which does any of the following:
 - (1) Exclusively burns digester gas produced from manure or other animal solid or semisolid waste.
 - (2) Exclusively burns methane gas produced from a disposal site as defined in Section 66714.1 of the Government Code, which is used only for the disposal of solid waste as defined in Section 66719 of the Government Code.
 - (3) Exclusively burns forest, agricultural, wood, or other biomass wastes.
 Nothing in this subdivision is intended to prohibit a district from requiring those projects to meet one or more of the conditions of this section.
 - (d) Nothing in this section prohibits the permit applicant from entering into a contract with any person pursuant to which the person may enforce this section or any other provision of law.

Public Resources Code

21151.1.

- (a) Notwithstanding paragraph (6) of subdivision (b) of Section 21080, or Section 21080.5 or 21084, or any other provision of law, a lead agency shall prepare or cause to be prepared by contract, and

certify the completion of, an environmental impact report for any project involving the burning of municipal wastes, hazardous waste, or refuse-derived fuel, including, but not limited to, tires, if the project is either of the following:

- (1) The construction of a new facility.
 - (2) The expansion of an existing facility which burns hazardous waste which would increase its permitted capacity by more than 10 percent. This subdivision does not apply to any project exclusively burning hazardous waste, for which a final determination under Section 21080.1 has been made prior to the effective date of Assembly Bill 58 of the 1989-90 Regular Session.
- (b) For purposes of subdivision (a), the amount of expansion of an existing facility shall be calculated by comparing the proposed facility capacity with whichever of the following is applicable:
- (1) The facility capacity authorized in the facility's hazardous waste facilities permit pursuant to Section 25200 of the Health and Safety Code or its grant of interim status pursuant to Section 25200.5 of the Health and Safety Code, or the facility capacity authorized in any state or local agency permit allowing the construction or operation of a facility for the burning of hazardous waste, granted before January 1, 1990.
 - (2) The facility capacity authorized in the facility's original hazardous waste facilities permit, grant of interim status, or any state or local agency permit allowing the construction or operation of a facility for the burning of hazardous waste, granted on or after January 1, 1990.
- (c) Subdivision (a) does not apply to any project which does any of the following:
- (1) Exclusively burns digester gas produced from manure or any other solid or semisolid animal waste.
 - (2) Exclusively burns methane gas produced from a disposal site as defined in Section 66714.1 of the Government Code, which is used only for the disposal of solid waste as defined in Section 66719 of the Government Code.
 - (3) Exclusively burns forest, agricultural, wood, or other biomass wastes.
 - (4) Exclusively burns hazardous waste in an incineration unit which is transportable and which is either at a site for not longer than three years or is part of a remedial or removal action. For purposes of this paragraph, "transportable" means any equipment which performs a "treatment" as defined in Section 66216 of Title 22 of the California Code of Regulations, and which is transported on a vehicle as defined in Section 66230 of Title 22 of the California Code of Regulations.
 - (5) Exclusively burns refinery waste in a flare on the site of generation.
 - (6) Exclusively burns in a flare methane gas produced at a municipal sewage treatment plant.
 - (7) Exclusively burns hazardous waste, or exclusively burns hazardous waste as a supplemental fuel, as part of a research, development, or demonstration project which, consistent with federal regulations implementing the Resource Conservation and Recovery Act of 1976 (Public Law 94-580) and amendments thereto, has been determined to be innovative and experimental by the Department of Toxic Substances Control and which is limited in type and quantity of waste to that necessary to determine the efficacy and performance capabilities of the technology or process; provided, however, that any facility which operated as a research, development, or demonstration project and for which an application is thereafter submitted for a hazardous waste facility permit for operation other than as a research, development, or demonstration project shall be considered a new facility for the burning of hazardous waste and shall be subject to subdivision (a) of Section 21151.1.
 - (8) Exclusively burns soils contaminated only with petroleum fuels or the vapors from these soils.
 - (9) Exclusively treats less than 3,000 pounds of hazardous waste per day in a thermal processing unit operated in the absence of open flame, and submits a worst-case health risk assessment of the technology to the **Office of Environmental Health Hazard Assessment** for review and distribution to the interested public. This assessment shall be prepared in accordance

with guidelines set forth in the Air Toxics Assessment Manual of the California Air Pollution Control Officers Association.

- (10) Exclusively burns less than 1,200 pounds of infectious waste per day, as defined in Section 25117.5 of the Health and Safety Code, on hospital sites.
- (11) Exclusively burns chemicals and fuels as part of firefighter training.
- (12) Exclusively conducts open burns of explosives subject to the requirements of the air pollution control district, or air quality management district, and in compliance with OSHA and Cal-OSHA regulations.
- (13) Exclusively conducts onsite burning of less than 3,000 pounds per day of fumes directly from a manufacturing or commercial process.
- (d) Subdivision (a) does not apply to any project for which the State Energy Resources Conservation and Development Commission has assumed jurisdiction under Chapter 6 (commencing with Section 25500) of Division 15.
- (e) This section does not exempt any project from any other requirement of this division.

Tire Storage and Disposal

Public Resources Code

42820.

- (a) On or before July 1, 1991, the board, in consultation with the State Fire Marshal and the **Office of Environmental Health Hazard Assessment**, shall adopt emergency regulations setting forth the procedures and requirements necessary to obtain a major waste tire facility permit.
- (b) Regulations adopted pursuant to subdivision (a) shall not require the issuance of a separate permit to a solid waste disposal facility which is permitted pursuant to Chapter 3 (commencing with Section 44001) of Part 4.

42821. The regulations for major waste tire facility permits shall include, but not be limited to, all of the following:

- (a) Requirements for submission of a detailed operations plan which contains the following components:
 - (1) Fire prevention measures.
 - (2) Fencing and other security measures.
 - (3) Vector control measures.
 - (4) Limits on the size and height of tire piles.
 - (5) A closure plan.
- (b) Requirements for submission of a detailed plan and implementation schedule for the elimination or substantial reduction of existing tire piles using any of the following methods or techniques:
 - (1) Polymer treatment.
 - (2) Rubber reclaiming and crumb rubber production.
 - (3) Pyrolysis.
 - (4) Production of supplemental fuels for cement kilns, lumber operations, or other industrial processes.
 - (5) Tire shredding and transportation to an authorized solid waste landfill.
 - (6) Energy recovery through incineration of whole or shredded tires in accordance with the terms and conditions of a permit issued by an air pollution control district or air quality management district.
 - (7) Other applications determined to be appropriate by the board.
- (c) Requirements for the submission of evidence of financial assurances secured by the operator of the facility that are adequate to cover damage claims arising out of the operation of the facility and that are adequate to cover the cost of closure if that becomes necessary. The financial assurance shall be a trust fund, surety bond, letter of credit, insurance, or other equivalent financial arrangement acceptable to the board.

42830.

- (a) On or before December 1, 1991, the board, in consultation with the State Fire Marshal and the **Office of Environmental Health Hazard Assessment**, shall adopt emergency regulations setting forth the procedures and requirements necessary to obtain a minor waste tire facility permit.
- (b) Regulations adopted pursuant to subdivision (a) shall not require the issuance of a separate permit to a solid waste disposal facility which is permitted pursuant to Chapter 3 (commencing with Section 44001) of Part 4.

42832. The regulations for minor waste tire facility permits shall include, but not be limited to, all of the following:

- (a) Fire prevention measures.
- (b) Vector control measures.
- (c) Other measures determined by the board to be necessary to protect the public health and safety.

Pesticide Use and Safety

Pesticide Illness and Spill Reporting

Health and Safety Code

105200. Any physician and surgeon who knows, or has reasonable cause to believe, that a patient is suffering from pesticide poisoning or any disease or condition caused by a pesticide shall promptly report that fact to the local health Officer by telephone within 24 hours and by a copy of the report required pursuant to subdivision (a) of Section 6409 of the Labor Code within seven days, except that the information which is available to the physician and surgeon is all that is required to be reported as long as reasonable efforts are made to obtain such information. Each local health officer shall immediately notify the county agricultural commissioner and, at his or her discretion, shall immediately notify the Director of **Environmental Health Hazard Assessment** of each report received and shall report to the Director of Pesticide Regulation, the Director of **Environmental Health Hazard Assessment**, and the Director of Industrial Relations, on a form prescribed by the Director of **Environmental Health Hazard Assessment**, each case reported to him or her pursuant to this section within seven days after receipt of any such report.

The **Office of Environmental Health Hazard Assessment** shall designate a phone number or numbers for use by local health officers in the immediate notification of the **Office** of a pesticide poisoning report. The **Office** shall from time to time establish criteria for use by the local health officers in determining whether the circumstances of a pesticide poisoning warrants the immediate notification of the **Office**. In no case shall the treatment administered for pesticide poisoning or a condition suspected as pesticide poisoning be deemed to be first aid treatment.

Any physician and surgeon who fails to comply with the reporting requirements of this section or any regulations adopted pursuant to this section shall be liable for a civil penalty of two hundred fifty dollars (\$250). For the purposes of this section, failure to report a case of pesticide poisoning involving one or more employees in the same incident shall constitute a single violation. The Division of Occupational Safety and Health of the Department of Industrial Relations shall enforce these provisions by issuance of a citation and notice of civil penalty in a manner consistent with Section 6317 of the Labor Code. Any physician and surgeon who receives a citation and notice of civil penalty may appeal to the Occupational Safety and Health Appeals Board in a manner consistent with Section 6319 of the Labor Code.

Each local health officer shall maintain the ability to receive and investigate reports of pesticide poisoning at all times pursuant to Section 12982 of the Food and Agricultural Code.

105205. The **Office of Environmental Health Hazard Assessment** shall develop and implement, in cooperation with local health officers and state and local medical associations, a program of medical education [Medical Supervision Program] to alert physicians and other health care professionals to the symptoms, diagnosis, treatment, and reporting of pesticide poisoning.

105210. After consultation with the county agricultural commissioner or the Director of Agriculture, the local health officer may, upon his determination that pesticide poisoning is serious and that an outbreak in pesticide poisoning or any disease or condition caused by pesticide poisoning has occurred in his county, request assistance by the state department. Upon such request, the director shall provide the local health

officer with the necessary staff and technical assistance to conduct an epidemiologic investigation of the outbreak, and where appropriate, shall make recommendation to control or prevent such poisoning outbreaks.

105215. Any public employee, as defined in Section 811.4 of the Government Code, whose responsibilities include matters relating to health and safety, protection of the environment, or the use or transportation of any pesticide and who knows, or has reasonable cause to believe, that a pesticide has been spilled or otherwise accidentally released, shall promptly notify the local health officer or the notification point specified in the local hazardous materials response plan, where such a plan has been approved by the State Office of Emergency Services and is in operation. The operator of the notification point shall immediately notify the local health officer of the pesticide spill report.

The local health officer shall immediately notify the county agricultural commissioner and, at his or her discretion, shall immediately notify Director of **Environmental Health Hazard Assessment** of each report received. Within seven days after receipt of any report, the local health officer shall notify the Director of Pesticide Regulation, the Director of **Environmental Health Hazard Assessment**, and the Director of Industrial Relations, on a form prescribed by the Director of **Environmental Health Hazard Assessment**, of each case reported to him or her pursuant to this section.

The **Office of Environmental Health Hazard Assessment** shall designate a phone number or numbers for use by local health Officers in the immediate notification of the **Office** of a pesticide spill report. The **Office of Environmental Health Hazard Assessment** shall from time to time establish criteria for use by the local health Officers in determining whether the circumstances of a pesticide spill warrants the immediate notification of the **Office**.

105220. The Director of **Environmental Health Hazard Assessment** shall maintain a file of all the reporting forms received from local health officers pursuant to Section 105215 at the repository of current data on toxic materials established pursuant to Section 147.2 of the Labor Code. The file shall be open to the public and shall be indexed at least to the extent of the following:

- (a) The county of the accidental release.
- (b) The type of pesticide involved.

105225. Each public employer of a public employee subject to Section 105215 shall post in one or more prominent places frequented by such employee a notice informing such employee of the responsibility imposed by Section 105215.

Food and Agricultural Code

12982. The director and the commissioner of each county under the direction and supervision of the director, shall enforce the provisions of this article and the regulations adopted pursuant to it. The local health officer may assist the director and the commissioner in the enforcement of the provisions of this article and any regulations adopted pursuant to it. The local health officer shall investigate any condition where a health hazard from pesticide use exists, and shall take necessary action, in cooperation with the commissioner, to abate any such condition. The local health officer may call upon the **Office of Environmental Health Hazard Assessment** for assistance pursuant to the provisions of Section 105210 of the Health and Safety Code.

Risk Assessment

Food and Agricultural Code (as cited in GRP-1)

11454. The department [of Pesticide Regulation] succeeds to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction of the Department of Food and Agriculture relating to the regulation of pesticides. The powers, functions, and responsibilities of the department shall include, but not be limited to, the following:

- (a) The functions and responsibilities set forth in this division.
- (b) The functions and responsibilities set forth in Chapter 1 (commencing with Section 12501), Chapter 2 (commencing with Section 12751) excepting Article 2.5 (commencing with Section 12786), Chapter 3 (commencing with Section 14001), Chapter 3.5 (commencing with Section 14101), Chapter 3.6 (commencing with Section 14151), and Chapter 7 (commencing with Section 15201) of Division 7.

11454.1. The Department of Pesticide Regulation shall conduct pesticide risk assessments as appropriate to carry out its responsibilities set forth in Section 11454. The **Office of Environmental Health Hazard Assessment** shall provide scientific peer review of risk assessments conducted by the department as appropriate to carry out its responsibilities set forth in Section 59004 of the Health and Safety Code.

Food and Agricultural Code

13121. This article shall be known and may be cited as the Birth Defect Prevention Act of 1984.

13122. It is the purpose of the Legislature in enacting this chapter to prevent pesticide induced abortions, birth defects, and infertility.

13123. For purposes of this chapter, the following terms mean:

- (a) "Adverse reproductive effect" means a statistically significant adverse effect on parental reproductive performance and the growth and development of offspring, including gonadal function, conception, and parturition; abortions; birth defects; stillbirths; and resorptions.
- (b) "Data gap" means that the department does not have on file a full set of valid mandatory health effects studies.
- (c) "Mandatory health effects study" means adverse reproductive effect, chronic toxicity, mutagenicity, neurotoxicity, oncogenicity, and teratogenicity studies required for full registration or licensing of pesticides in California, as of July 1, 1983.
- (d) "Teratogenic" means the property of a substance or mixture of substances to produce or induce functional deviations or developmental anomalies, not heritable, in or on an animal embryo or fetus.
- (e) "Mutagenic effect" means the property of a substance or mixture of substances to induce changes in the genetic complement of either somatic or germinal tissue in subsequent generations.
- (f) "Chronic toxicity" means the property of a substance or mixture of substances to cause adverse effects in an organism upon repeated or continuous exposure over a period of at least one-half the lifetime of that organism.
- (g) "Oncogenic" means the property of a substance or a mixture of substances to produce or induce benign or malignant tumor formations in living animals.
- (h) "Neurotoxic effect" means any adverse effect on the nervous system such as delayed-onset

locomotor ataxia resulting from single administration of the test substance, repeated once if necessary.

- (i) "Initiation" means that the mandatory health effects study or any necessary preliminary studies, such as pilot studies or range finding studies, have been commenced.
- (j) "Data generator" means a person who has completed and filed with the director a data commitment status report.
- (k) "Completion" means that the study has been finished, the data has been analyzed, and the final report of the results, including all exhibits, has been prepared and submitted to the department.
- (l) "Submitted" means deliverance of a completed study to the department. A study shall be deemed to be submitted until it has been determined by the department to be unacceptable and not capable of being upgraded.
- (m) "Suspend" means the director has issued a notice of intent to suspend the registration of a pesticide product. The director shall issue a suspension order at the earliest possible time.

13123.5. To the extent feasible, health effects studies shall be conducted in accordance with standards and protocols established pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 135 et seq.).

13124. The department shall report all of the following to the Legislature:

- (a) By April 1, 1985, a list of pesticide active ingredients currently registered in California.
- (b) By April 1, 1985, a list of the department's mandatory health effects study requirements for full registration of pesticides in California as of July 1, 1983.
- (c) By July 1, 1985, a list of mandatory health effects studies on file at the department for each pesticide active ingredient.

13125. Not later than December 31, 1985, the department shall report the following information for each active pesticide ingredient presently registered in California:

- (a) The department's determination of whether each of the studies specified in Section 13124 is valid, complete, and adequate. This determination shall be based on a thorough evaluation of the studies, but does not require an onsite audit of the laboratory that produced the study.
- (b) A list of data gaps for each active pesticide ingredient.
- (c) The department's determination of whether each study shows adverse reproductive effects, chronic toxicity, mutagenic effects, neurotoxic effects, oncogenic effects, or teratogenic effects.
- (d) For each active pesticide ingredient for which an effect described in subdivision (c) has been shown, or a data gap exists, a list of the amount sold in California during 1985, and whether this active ingredient is sold for home or agricultural use.
- (e) If all of the data cannot be acquired by the department by the reporting deadline established by this section, the department shall report the data available, and provide a supplemental report with the remaining data by April 1, 1986.

13126. No new active pesticide ingredient shall be conditionally registered or licensed when any of the mandatory health effects studies, as defined in subdivision (c) of Section 13123, is missing, incomplete, or of questionable validity unless the registration is based on previous consultation with the **Office of Environmental Health Hazard Assessment** and the Director of Industrial Relations.

13127.

- (a) Not later than December 31, 1985, the department shall identify 200 pesticide active ingredients which the department determines have the most significant data gaps and widespread use and which are suspected to be hazardous to people. Not later than 30 days after the report issued pursuant to Section 13125, the department shall notify each registrant of a pesticide product containing any of the identified 200 pesticide active ingredients of the applicable data gap required to be filled pursuant to this section.
- (b) Not later than December 31, 1985, the department shall also adopt a timetable for the filling of all data gaps on all pesticide active ingredients, other than those identified by the department pursuant to subdivision (a), which are currently registered or licensed in California. The department shall notify registrants of the applicable data gaps and the scheduled time to initiate and complete studies as provided in the timetable.
- (c) (1) Not later than September 1, 1986, the department shall determine whether a test has been initiated to fill each of the data gaps for each pesticide active ingredient identified in subdivision (a). If no test has been initiated, the department shall fill data gaps in accordance with procedures provided in subparagraph (B) of paragraph (2) of subsection (c) of Section 136a of Title 7 of the United States Code. In order to carry out this section, the director has the same authority to require information from registrants of active pesticide ingredients and to suspend registration that the Administrator of the Environmental Protection Agency has pursuant to subparagraph (B) of paragraph (2) of subsection (c) of Section 136a of Title 7 of the United States Code. If a hearing is requested regarding the proposed suspension of registration, it shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. On or before July 1, 1986, the director shall, by regulation, prescribe procedures for resolving disputes or funding the filling of data gaps. The procedures may include mediation and arbitration. The arbitration procedures, insofar as practical, shall be consistent with the federal act, or otherwise shall be in accordance with the commercial arbitration rules established by the American Arbitration Association. The procedures shall be established so as to resolve any dispute within the timetable established in subdivision (a).
- (2) The department shall also obtain the data which is identified in subdivision (b), according to the timetable and procedures specified in this section.
- (d) The director shall review the timetable established by the Environmental Protection Agency for the accelerated registration program under amendments effective in 1989 to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.).
- (e) (1) This section does not apply to any product which the director determines has limited use or that substantial economic hardship would result to users due to unavailability of the product and there is not significant exposure to the public or workers and the product is otherwise in compliance with federal law.
- (2) The director may not, pursuant to this subdivision, exempt all pesticide products containing the same pesticide active ingredient unless it is determined that the pesticide active ingredient has only limited use, there is insignificant exposure to workers or the public, and the products are otherwise in compliance with federal law. Any exemption issued pursuant to this paragraph shall expire at the end of three years after it is issued.
- (f) (1) Whenever the director exercises the authority provided in paragraph (1) of subdivision (e), he or she shall give public notice of the action stating the reasons for exempting the pesticide product from the data requirements of this article. Copies of this notice shall be provided to the appropriate policy committees of the Legislature.

- (2) Whenever the director acts pursuant to paragraph (2) of subdivision (e), the director shall furnish not less than 30 days' public notice of the proposed action, stating the reasons for exempting the pesticide product from the data requirements of this article and allowing public comment thereon. Copies of the notice and the final decision shall be provided to the appropriate policy committees of the Legislature.

13127.2. The director shall, on January 15, 1992, issue a notice of the impending suspension of the registration of any pesticide product containing an active ingredient identified pursuant to subdivision (a) of Section 13127 for which the registrant has not submitted the required data by December 31, 1991. The data generator or registrant may petition the director within 30 days of notification of impending suspension of registration for deferral of the suspension pursuant to Section 13127.3. The director shall act upon such a petition at the earliest possible time and, upon denial of the petition, suspend the registration of each such product.

13127.3.

- (a) The director shall grant an extension of time for submission of the required data if, and only if, the director, with the concurrence of the Secretary for Environmental Protection, makes a finding that both of the following conditions are satisfied:
 - (1) The registrant has submitted at least eight of the mandatory health effects studies, and has initiated the studies required to fill the remaining data gaps by January 15, 1992, unless the registrant can demonstrate to the satisfaction of the director that it failed to have eight studies submitted, and the remaining studies initiated, in accordance with this paragraph because not more than two studies were delayed due to specific, written direction of the department based upon a written evaluation by a department toxicologist.
 - (2) That the registrant has taken appropriate steps to meet the requirements of this article. To determine whether appropriate steps have been taken, the director shall consider the registrant's timely response to data call-ins on other active ingredients contained in products registered with the department pursuant to this article and pursuant to Article 15 (commencing with Section 13141), and whether the registrant has responded in a timely and appropriate manner to notices and correspondence from the department relating to data call-ins and has taken appropriate measures to address study deficiencies identified by the department.
- (b) A registrant shall not be considered to have taken the appropriate steps, as provided in subdivision (a), if the registrant has failed to meet the deadlines established by this article due to efforts to coordinate compliance with federal data requirements.

13127.31. Notwithstanding subdivision (a) of Section 13127.3, if the director finds that delays in submitting the mandatory health effects studies were primarily caused by actions of the department, the director, with the concurrence of the Secretary for Environmental Protection, may extend the deadlines for submitting the mandatory health effects studies for the following active ingredients creosote, pentachlorophenol, dicamba, para-dichlorobenzene, methyl bromide, napropamide, petroleum distillates, and arsenic pentoxide/trioxide.

Registrants of these products shall submit the required studies in a timely manner, but in no case later than the time allowed in Section 13127.92.

13127.32. Notwithstanding any other provision of law, none of the following pesticide products shall remain registered in this state:

- (a) Except as specified in subdivision (b), no pesticide product containing an active ingredient identified pursuant to subdivision (a) of Section 13127 for which the required studies have not been submitted by March 30, 1996, shall remain registered after that date.

- (b) No pesticide product containing methyl bromide or pentachlorophenol for which the required studies have not been submitted by December 31, 1997, shall remain registered after that date.

13127.5.

- (a) The director, with the concurrence of the Secretary for Environmental Protection, may defer the suspension of registration of a pesticide product, as provided in Section 13127.2, if both of the following occur:
 - (1) The director receives a petition from the registrant or any other person requesting a deferral of suspension.
 - (2) The director makes a written finding of one of the following:
 - (A) Suspension of the registration of the product would cause substantial economic hardship to the users of the product, that there would be no significant, unmitigated human exposure to the product, and that no feasible alternatives to the product are available.
 - (B) Suspension of the registration of the product would be more detrimental to the agricultural or nonagricultural environment than continued use of the product, that there would be no significant, unmitigated human exposure to the product, and that no feasible alternatives to the product are available.
 - (C) Suspension of the registration of the product would result in significant risk to the public health and that no feasible alternatives to the product are available.
- (b) The director shall limit the use of any product granted a deferral of suspension pursuant to paragraph (2) of subdivision (a) to specific uses that conform to the director's findings pursuant to paragraph (2) of subdivision (a).

13127.6. The director shall levy a charge on data generators of up to one thousand dollars (\$1,000) per day for each day a data gap continues to exist after the date the director issues a deferral of suspension of registration pursuant to Section 13127.5. In establishing the amount of the charge, the director shall consider the number of outstanding studies, the registrant's timely response to data call-ins on other products registered with the department pursuant to this article, and whether the registrant has responded in a timely and appropriate manner to notices and correspondence from the department relating to data call-ins, and whether the registrant has taken appropriate measures to address study deficiencies identified by the department. If the charge levied on the data generator is not paid, all products containing that active ingredient shall be suspended. Revenues collected from the levying of charges shall be deposited in the Department of Pesticide Regulation Fund.

13127.7. All documentation relevant to a finding made pursuant to Sections 13127.3 and 13127.5 shall be available to the public, and the findings shall be a public record.

13127.8.

- (a) A suspension of registration of a pesticide product containing any of the active ingredients identified pursuant to subdivision (a) of Section 13127 shall be revoked when the director determines that the registrant has submitted all of the mandatory health effects studies. If, upon completion of the review of the studies, the director determines that a data gap still exists, the director shall suspend the registration.
- (b) If at any time after January 1, 1992, the registrant meets the requirements of subdivision (a) of Section 13127.3, notwithstanding the date specified in paragraph (1) of subdivision (a) of Section 13127.3, the director shall revoke the suspension, and shall levy a charge pursuant to Section 13127.6 or, if a charge has already been levied on a registrant, the director may revise the charge in light of the registrant's compliance with the requirements of this article and Article 15 (commencing with Section 13141).

- (c) The director may modify the amount of the charge levied pursuant to Section 13127.6 upon the initiation or submission of any health effects studies required pursuant to this article.

13127.9. For each mandatory health effects study that is required for each active ingredient identified pursuant to subdivision (a) of Section 13127, the registrant shall submit to the department a progress report in December of each year until the study is completed.

13127.91. The director shall suspend the registration of any pesticide product that contains an active ingredient identified pursuant to subdivision (a) of Section 13127 for which the registrant fails to do any of the following:

- (a) Respond to the director's notification of a data gap.
- (b) Submit progress reports as required by Section 13127.9.
- (c) Demonstrate reasonable progress toward completion of all the mandatory health effects studies.

13127.92.

- (a) Extensions of time granted pursuant to Section 13127.3, 13127.31, and 13127.5 shall only be for the time necessary to complete the mandatory health effects studies.
- (b) Mandatory health effects studies shall be completed in accordance with the following timetable:
 - (1) Forty-eight months for oncogenicity, chronic feeding, and reproduction studies.
 - (2) Twenty-four months for teratogenicity and neurotoxicity studies.
 - (3) Twelve months for mutagenicity studies.
- (c) A deferral of suspension of registration issued pursuant to Section 13127.5 shall be subject to an annual review by the director and shall be limited to the time necessary to complete the required studies, and shall in no case exceed four years with the time tolling from the date that the registrant petitioned for an extension.
- (d) Any extension of time for submission of the mandatory health effects studies granted pursuant to Section 13127.5 shall be canceled by June 15, 1993, and the registration suspended for the affected ingredient, if the registrant fails to initiate the required studies by June 15, 1992.

13128. No applicant for registration or current registrant of a pesticide who proposes to purchase or purchases a registered pesticide from another producer in order to formulate the purchased pesticide into an end use product shall be required pursuant to Section 13127 to submit or cite mandatory health effect data pertaining to the safety of the purchased product or to offer to pay reasonable compensation for the use of any such data if the producer is engaged in fulfilling the requirements of Section 13127.

13129.

- (a) If the director, after evaluation of the health effects study of an active ingredient, finds that a pesticide product containing the active ingredient presents significant adverse health effects, including reproduction, birth defects, or infertility abnormalities, the director shall take cancellation or suspension action against the product pursuant to Section 12825 or 12826.
- (b) The Director of **Environmental Health Hazard Assessment** shall have access to mandatory health effects studies and other health effects studies on file at the Department of Pesticide Regulation, and may, based upon the determination of the Director of **Environmental Health Hazard Assessment**, provide advice, consultation, and recommendations concerning the risks to human health associated with exposure to the substances tested.

13130.3.

- (a) Notwithstanding subdivision (b) of Section 13127, the time permitted by the director for submitting data to fill a data gap shall be as follows:
 - (1) For oncogenicity studies and chronic feeding studies, 48 months.
 - (2) For reproduction studies, 48 months.

- (3) For teratogenicity and neurotoxicity studies, 24 months.
- (4) For mutagenicity studies, 12 months.

The time permitted by the director for submitting data to fill a data gap shall commence upon the date the department notifies the registrant of the data gap.
- (b) Notwithstanding the time limit established in subdivision (a) for submitting data to fill a data gap, the department may, with the concurrence of the **Office of Environmental Health Hazard Assessment**, grant an extension of time to complete the required studies, upon a written finding that events beyond the control of the persons responsible for submitting the data prevent submission of the data within the prescribed time, and that those persons have made a good faith effort to complete the studies within the prescribed time. Not more than one extension of time per data requirement may be granted to complete the required studies. The length of an extension granted pursuant to this subdivision shall be limited to the time necessary to complete the studies, not to exceed the length of time specified in subdivision (a) for conducting the studies.

13131.1.

- (a) Not later than March 1, 1992, the director shall notify registrants of the data requirements, and the guidelines the director intends to use in reviewing studies submitted pursuant to subdivision (b) of Section 13127, for all pesticide active ingredients other than those identified pursuant to subdivision (a) of Section 13127.
- (b) Not later than 90 calendar days after the date of notification of the data requirements, each registrant shall do one of the following:
 - (1) Inform the department, in a manner prescribed by the director, of how the registrant will comply with the data requirements.
 - (2) File a written objection, accompanied by any supporting evidence and arguments, to all or part of the director's notice of data requirements. The objection authorized by this paragraph shall be the exclusive opportunity for a registrant to object to the director's notice of data requirements.
- (c) The director may consider and grant a request by a registrant to initiate the studies necessary to comply with the data requirements in accordance with a schedule established by the United States Environmental Protection Agency. In no event shall a registrant be authorized pursuant to this subdivision to initiate the studies necessary for that compliance after January 1, 1994.

13131.2.

- (a) Prior to March 1, 1992, or in response to a written objection filed pursuant to paragraph (2) of subdivision (b) of Section 13131.1, the department may determine, with the concurrence of the **Office of Environmental Health Hazard Assessment**, that one or more of the mandatory health effects studies are not required in order to evaluate pesticide active ingredients other than those identified pursuant to subdivision (a) of Section 13127. This determination may be made only in accordance with one or more of the following criteria:
 - (1) The ingredient has been classified as "Generally Recognized as Safe" by the United States Food and Drug Administration.
 - (2) The study is not physically possible due to the nature of the ingredient.
 - (3) The department has on file toxicological data that is adequate for the assessment of the potential adverse health effects of the ingredient, and the studies relied upon for that purpose are of the same study type, are scientifically valid, and, when taken together, are of a power and sensitivity equivalent to the studies that would be waived pursuant to this subdivision.
- (b) The director may, in conjunction with the **Office of Environmental Health Hazard Assessment**, develop regulations for modification of mandatory health effects studies.

13131.3. If the **Office of Environmental Health Hazard Assessment** does not concur with the determination of the department pursuant to Section 13131.2, the issue shall be decided by a majority of the membership of a panel consisting of the following persons:

- (a) An appointee of the State Director of Health Services who has expertise in toxicology.
- (b) An appointee of the President of the University of California who has expertise in toxicology.
- (c) An appointee of the Secretary for Environmental Protection who has expertise in toxicology.

13131.4.

- (a) On or before January 1, 1994, the director shall issue a final notice of data gaps required to be filled for all pesticide active ingredients other than those identified pursuant to subdivision (a) of Section 13127. This notice shall be the department's final determination of the data gaps required to be filled.
- (b) The time allowed under Section 13130.3 to fill the data gaps shall commence on the date that the final notice of data gaps is issued pursuant to subdivision (a), unless an extension is granted pursuant to subdivision (b) of Section 13130.3.
- (c) Not later than 90 calendar days after the date the final notice of data gaps is issued pursuant to subdivision (a), each registrant shall inform the department, in a manner prescribed by the director, how the registrant will fill the data gap, including a proposed schedule for initiation, completion, and submittal of all required studies.

13131.5. The director shall suspend the registration of any pesticide containing an active ingredient for which the director notifies a registrant pursuant to Section 13131.1 and for which the registrant or data generator, in the judgment of the director, fails to respond appropriately or fails to provide evidence that it is taking appropriate steps to secure the data that are required pursuant to Section 13131.1 or the final notice of data gaps pursuant to Section 13131.4.

13133. If any provision of this article or the application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

13134.

- (a) Commencing on July 1, 1990, the department, in cooperation with the **Office of Environmental Health Hazard Assessment**, shall conduct an assessment of dietary risks associated with the consumption of produce and processed foods treated with pesticides. This assessment shall integrate adequate data on acute effects and the mandatory health effects studies specified in subdivision (c) of Section 13123, appropriate dietary consumption estimates, and relevant residue data based on the department's and the State Department of Health Services' monitoring data and appropriate field experimental and food technology information to quantify consumer risk. Differences in age, sex, ethnic, and regional consumption patterns shall be considered. The department shall submit each risk assessment to the **Office**, with necessary supporting documentation, for peer review, which shall consider the adequacy of public health protection. The **Office** may provide comments to the department. The department shall formally respond to all of the comments made by the **Office**. The department shall modify the risk assessment to incorporate the comments as deemed appropriate by the director. All correspondence between the department and the **Office** in this matter shall be made available to any person, upon request, pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).
- (b) The department shall consider those pesticides designated for priority food monitoring pursuant to Section 12535 and the results of the department's or the State Department of Health Services' monitoring in establishing priorities for the dietary risk assessments.

- (c) (1) If the department lacks adequate data on the acute effects of pesticide active ingredients or mandatory health effects studies specified in subdivision (c) of Section 13123 necessary to accurately estimate dietary risk, the department shall require the appropriate data to be submitted by the registrant of products whose labels include food uses. This subdivision shall not be construed to affect the time frames established pursuant to Section 13127.
- (2) No applicant for registration, or current registrant, of a pesticide who proposes to purchase or purchases a registered pesticide from another producer in order to formulate the purchased pesticide into an end use product shall be required to submit or cite data pursuant to this section or offer to pay reasonable compensation for the use of any such data if the producer is engaged in fulfilling the data requirements of this section.
- (d) (1) If a registrant fails to submit the data requested by the director pursuant to this section within the time specified by the director, the director shall issue a notice of intent to suspend the registration of that pesticide. The director may include, in the notice of intent to suspend, any provisions that are deemed appropriate concerning the continued sale and use of existing stocks of that pesticide. Any proposed suspension shall become final and effective 30 days from the receipt by the registrant of the notice of intent to suspend, unless during that time a request for hearing is made by a person adversely affected by the notice or the registrant has satisfied the director that the registrant has complied fully with the requirements that served as a basis for the notice of intent to suspend. If a hearing is requested, a hearing shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The only matter for resolution at the hearing shall be whether the registrant has failed to take the action that served as the basis for the notice of intent to suspend the registration of the pesticide for which additional data is required and whether the director's determination with respect to the disposition of existing stocks is consistent with this subdivision.
- (2) A hearing shall be held and a determination made within 75 days after receipt of a request for a hearing. The decision rendered after completion of the hearing shall be final. Any registration suspended shall be reinstated by the director if the director determines that the registrant has complied fully with the requirements that served as a basis for the suspension of the registration.
- (e) If the department finds that any pesticide use represents a dietary risk that is deleterious to the health of humans, the department shall prohibit or take action to modify that use or modify the tolerance pursuant to Section 12561, or both, as necessary to protect the public.

13135. The department and the **Office of Environmental Health Hazard Assessment** shall jointly review the existing federal and state pesticide registration and food safety system and determine if the existing programs adequately protect infants and children from dietary exposure to pesticide residues. The review shall commence as early as possible in 1990, so that any policy or administrative adjustments determined to be necessary as a result of the joint review can be made on a timely basis. The department shall consult with the University of California and other qualified public and private entities in conducting the joint review. The joint review shall continue for a sufficient time in order to evaluate the report of infant exposure to pesticide residues, which is presently being undertaken by the National Academy of Sciences. Within six months of the official release of the National Academy of Sciences' study, the department shall finalize a report describing the evaluation that was conducted pursuant to this section, including any recommendations for modification of the existing regulatory system in order to adequately protect infants and children. A copy of this report shall be submitted to the Governor and the Legislature.

Worker Health Protection

Food and Agricultural Code

12980. The Legislature hereby finds and declares that it is necessary and desirable to provide for the safe use of pesticides and for safe working conditions for farmworkers, pest control applicators, and other persons handling, storing, or applying pesticides, or working in and about pesticide- treated areas. The Legislature further finds and declares that the development of regulations relating to pesticides and worker safety should be the joint and mutual responsibility of the Department of Pesticide Regulation and the **Office of Environmental Health Hazard Assessment**. The Legislature further finds and declares that, in carrying out the provisions of this article, the University of California, the Department of Industrial Relations, and any other similar institution or agency should be consulted.

12981. The director shall adopt regulations to carry out the provisions of this article. The regulations shall include, but are not limited to, all of the following subjects:

- (a) Restricting worker reentry into areas treated with pesticides determined by the director to be hazardous to worker safety by using either or both of the following:
 - (1) Time limits.
 - (2) Pesticide residue levels on treated plant parts determined by scientific analysis to not be a significant factor in cholinesterase depression or other health effects.

When the director has adopted regulations pursuant to both paragraphs (1) and (2), the person in control of the area treated with the pesticide shall have the option of following regulations adopted pursuant to either paragraph (1) or (2). If the person in control of the area treated with the pesticide chooses to follow regulations adopted pursuant to paragraph (2), the director may establish and charge the person a fee necessary to cover any costs of analysis or costs incurred by the director or commissioner in carrying out regulations adopted pursuant to paragraph (2). The regulations shall include a procedure for the collection of the fee, and the fee shall not exceed actual cost.

- (b) Handling of pesticides.
- (c) Hand washing facilities.
- (d) Farm storage and commercial warehousing of pesticides.
- (e) Protective devices, including, but not limited to, respirators and eyeglasses.
- (f) Posting, in English and Spanish, of fields, areas, adjacent areas or fields, or storage areas.

The **Office of Environmental Health Hazard Assessment** shall participate in the development of any regulations adopted pursuant to this article. Those regulations that relate to health effects shall be based upon the recommendations of the **Office**. The original written recommendations of the **Office**, any subsequent revisions of those recommendations, and the supporting evidence and data upon which the recommendations were based shall be made available upon request to any person.

12982. The director and the commissioner of each county under the direction and supervision of the director, shall enforce the provisions of this article and the regulations adopted pursuant to it. The local health officer may assist the director and the commissioner in the enforcement of the provisions of this article and any regulations adopted pursuant to it. The local health officer shall investigate any condition where a health hazard from pesticide use exists, and shall take necessary action, in cooperation with the commissioner, to abate any such condition. The local health officer may call upon the **Office of Environmental Health Hazard Assessment** for assistance pursuant to the provisions of Section 2951 of the Health and Safety Code.

Research: Studies

Food and Agricultural Code

12798.

- (a) The department shall establish a competitive grants program to make funds available to qualified public and private entities to conduct pest management research projects. All of the research related to pest management funded by the department shall be administered pursuant to this program.
- (b) Research conducted pursuant to this section shall have the further development of alternative pest management practices and methods and the further development of pest exclusion detection and eradication methods as priorities. Prior to making research awards, the department shall assess existing research activities and developments in integrated pest management, alternatives to pesticides, and other alternative pest management practices and methods, including, but not limited to, cultural, biological, and biotechnological research.
- (c)
 - (1) The director shall establish a Pest Management Research Committee, which shall award all funds under the competitive grants program.
 - (2) The primary objective of the committee is the further development of pest prevention activities and alternative pest management practices, techniques, and methods which exclude serious pests, as determined by the committee, which detect and quickly eliminate small infestations of foreign pests, and which reduce pesticide use, minimize or eliminate pesticide residues, or result in the use of safer pesticides. In achieving that objective, the committee shall encourage the development and use of biological controls, integrated pest management, biotechnology, cultural, pest prevention, and other alternative pest management methods which are environmentally sound and economically viable.
 - (3) The committee shall consist of 10 persons, who shall serve at the pleasure of the director. The committee shall consist of the following members:
 - (A) Notwithstanding Section 11454, the Director of Food and Agriculture or his or her designee, who shall serve as chairperson.
 - (B) The President of the University of California or his or her designee.
 - (C) The Chancellor of the California State University or his or her designee.
 - (D) Two members who represent the agricultural community, one of whom is an experienced organic farmer and one of whom is knowledgeable and experienced in alternative pest management techniques.
 - (E) Two members who represent pest management researchers, one of whom represents California's public and private colleges and universities and one of whom represents California's independent research community, both of whom are knowledgeable in pest prevention, control, eradication, and pest management.
 - (F) One member who represents public interest organizations, qualified in environmental or public health, or both, and knowledgeable in alternative pest management techniques.
 - (G) One member who represents the **Office of Environmental Health Hazard Assessment**, with experience in public health or toxicology.
 - (H) One member who represents county agricultural commissioners, knowledgeable and experienced in alternative pest management techniques and pest prevention, control, and eradication.
 - (4) The committee shall award funds based upon a competitive application process that meets the eligibility of fulfilling, and has the ability to fulfill, the objectives of this section.

- (5) The approval of research proposals shall be made by a majority vote of the membership of the committee.
- (d) For any proposals funded pursuant to this section, the department shall require reasonable accountability, including performance standards, periodic reports, deadlines, and payments conditioned on compliance with performance standards and deadlines.
- (e) Funding for second and subsequent years of a multiyear award shall be contingent upon satisfactory completion by the grantee of the prior year grant awards.
- (f) In order to facilitate the utilization of pest management practices and methods developed pursuant to this section, the director shall cooperate with qualified public and private entities to provide outreach consultation, information dissemination, and educational services to the agricultural community and other interested parties.

12798.4. The director shall establish a Pest Control Research Screening Committee which shall function as a scientific peer review committee on general pest management research proposals submitted pursuant to Section 12798. The screening committee shall conduct and provide a thorough evaluation of the scientific merit, environmental soundness, and economic viability of each proposal. The committee may circulate research proposals to agricultural commodity groups to obtain information as to the practicality of, and need for, the proposed research. The committee shall meet at the request of the director, and, after reviewing all current proposals, shall make recommendations to the Pest Management Research Committee established pursuant to Section 12798 as to which proposals should be funded. The committee shall consist of the following members:

- (a) Five members who represent California's public and private colleges and universities or private research community, each of whom possesses a degree in either entomology, plant pathology, or environmental studies, and who is knowledgeable, technically qualified, and experienced in pest management research.
- (b) One member who represents the department, with experience in pest management.
- (c) One member who represents the **Office of Environmental Health Hazard Assessment**, with experience in public health or toxicology.
- (d) One member who represents the Department of Food and Agriculture, with experience in pest management.

12798.6. The director shall establish a Pest Science and Technology Screening Committee which shall function as a scientific peer review committee on exotic pest research proposals submitted pursuant to Section 12798. The screening committee shall conduct and provide a thorough evaluation of the scientific merit, environmental soundness, and economic viability of each proposal. The committee shall meet at the request of the director and after reviewing all current proposals shall make recommendations to the Pest Management Research Committee established pursuant to Section 12798 as to which proposals should be funded. The committee shall consist of the following members:

- (a) Five members who represent California's public and private colleges and universities or private research community, each of whom possesses a degree in entomology, plant pathology, or environmental studies, and who are knowledgeable, technically qualified, and experienced in exotic pest biology and pest exclusion, detection, and eradication research.
- (b) One member who represents the department, with experience in pest prevention.
- (c) One member who represents the **Office of Environmental Health Hazard Assessment**, with experience in public health or toxicology.
- (d) One member who represents the Department of Food and Agriculture, with experience in pest prevention.

Water Quality

Safe Drinking Water Act: Public Health Goals

Health and Safety Code

116293.

- (a) On January 1, 2003, the **Office of Environmental Health Hazard Assessment** shall perform a risk assessment and, based upon that risk assessment, shall adopt a public health goal based exclusively on public health consideration for perchlorate using the criteria set forth in subdivision (c) of Section 116365.
- (b) On or before January 1, 2004, the department shall adopt a primary drinking water standard for perchlorate found in public water systems in California in a manner that is consistent with this chapter.

116361.

- (a) The **Office of Environmental Health Hazard Assessment** shall place a priority on the development of a public health goal for arsenic in drinking water, pursuant to subdivision (c) of Section 116365, sufficient to allow it to adopt the goal no later than December 31, 2002.
- (b) Commencing January 1, 2002, the department shall commence the process for revising the existing primary drinking water standard for arsenic, and shall adopt a revised standard for arsenic not later than June 30, 2004. In considering the technological and economic feasibility of compliance with the proposed standard pursuant to paragraph (3) of subdivision (b) of Section 116365, the department shall consider emerging technologies that may cost-effectively reduce exposure to arsenic in drinking water.
- (c) On or before December 31, 2002, the Secretary for Environmental Protection shall develop language regarding the health effects associated with the ingestion of arsenic in drinking water for inclusion in consumer confidence reports pursuant to Section 116470. On and after July 1, 2003, this language shall be included in the consumer confidence reports mailed or delivered to customers by each water system that measures arsenic in finished water at levels that exceed the applicable public health goal.
- (d) The language developed by the Secretary for Environmental Protection for use in consumer confidence reports to describe the health effects associated with the ingestion of arsenic in drinking water shall be developed in accordance with primacy requirements described in subdivision (e) of Section 141.151 and subsections (b), (c), and (d) of Section 142.12 of Title 40 of the Code of Federal Regulations.
- (e) Nothing in this section affects or changes the date for implementation of a revised arsenic standard by public water systems as required in Parts 9, 141, and 142 of Title 40 of the Code of Federal Regulations.

116365.

- (a) The department shall adopt primary drinking water standards for contaminants in drinking water that are based upon the criteria set forth in subdivision (b) and shall not be less stringent than the national primary drinking water standards adopted by the United States Environmental Protection Agency. Each primary drinking water standard adopted by the department shall be set at a level that is as close as feasible to the corresponding public health goal placing primary emphasis on the

protection of public health, and that, to the extent technologically and economically feasible, meets all of the following:

- (1) With respect to acutely toxic substances, avoids any known or anticipated adverse effects on public health with an adequate margin of safety, and
 - (2) With respect to carcinogens, or any substances that may cause chronic disease, avoids any significant risk to public health.
- (b) The department shall consider all of the following criteria when it adopts a primary drinking water standard:
- (1) The public health goal for the contaminant published by the **Office of Environmental Health Hazard Assessment** pursuant to subdivision (c).
 - (2) The national primary drinking water standard for the contaminant, if any, adopted by the United States Environmental Protection Agency.
 - (3) The technological and economic feasibility of compliance with the proposed primary drinking water standard. For the purposes of determining economic feasibility pursuant to this paragraph, the department shall consider the costs of compliance to public water systems, customers, and other affected parties with the proposed primary drinking water standard, including the cost per customer and aggregate cost of compliance, using best available technology.
- (c) (1) The **Office of Environmental Health Hazard Assessment** shall prepare and publish an assessment of the risks to public health posed by each contaminant for which the department proposes a primary drinking water standard. The risk assessment shall be prepared using the most current principles, practices, and methods used by public health professionals who are experienced practitioners in the fields of epidemiology, risk assessment, and toxicology. The risk assessment shall contain an estimate of the level of the contaminant in drinking water that is not anticipated to cause or contribute to adverse health effects, or that does not pose any significant risk to health. This level shall be known as the public health goal for the contaminant. The public health goal shall be based exclusively on public health considerations and shall be set in accordance with all of the following:
- (A) If the contaminant is an acutely toxic substance, the public health goal shall be set at the level at which no known or anticipated adverse effects on health occur, with an adequate margin of safety.
 - (B) If the contaminant is a carcinogen or other substance that may cause chronic disease, the public health goal shall be set at the level that, based upon currently available data, does not pose any significant risk to health.
 - (C) To the extent information is available, the public health goal shall take into account each of the following factors:
 - (i) Synergistic effects resulting from exposure to, or interaction between, the contaminant and one or more other substances or contaminants.
 - (ii) Adverse health effects the contaminant has on members of subgroups that comprise a meaningful portion of the general population, including, but not limited to, infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subgroups that are identifiable as being at greater risk of adverse health effects than the general population when exposed to the contaminant in drinking water.
 - (iii) The relationship between exposure to the contaminant and increased body burden and the degree to which increased body burden levels alter physiological function or structure in a manner that may significantly increase the risk of illness.
 - (iv) The additive effect of exposure to the contaminant in media other than drinking water, including, but not limited to, exposures to the contaminant in food, and in ambient and indoor air, and the degree to which these exposures may contribute to the overall body burden of the contaminant.

- (D) If the **Office of Environmental Health Hazard Assessment** finds that currently available scientific data are insufficient to determine the level of a contaminant at which no known or anticipated adverse effects on health will occur, with an adequate margin of safety, or the level that poses no significant risk to public health, the public health goal shall be set at a level that is protective of public health, with an adequate margin of safety. This level shall be based exclusively on health considerations and shall, to the extent scientific data are available, take into account the factors set forth in clauses (i) to (iv), inclusive, of subparagraph (C), and shall be based on the most current principles, practices, and methods used by public health professionals who are experienced practitioners in the fields of epidemiology, risk assessment, and toxicology. However, if adequate scientific evidence demonstrates that a safe dose response threshold for a contaminant exists, then the public health goal should be set at that threshold. The department may set the public health goal at zero if necessary to satisfy the requirements of this subparagraph.
- (2) The determination of the toxicological endpoints of a contaminant and the publication of its public health goal in a risk assessment prepared by the **Office of Environmental Health Hazard Assessment** are not subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The **Office of Environmental Health Hazard Assessment** and the department shall not impose any mandate on a public water system that requires the public water system to comply with a public health goal. The Legislature finds and declares that the addition of this paragraph by the act amending this section during the 1999-2000 Regular Session of the Legislature is declaratory of existing law.
- (3) (A) Beginning July 1, 2001, the **Office of Environmental Health Hazard Assessment** shall, at the time it commences preparation of a risk assessment for a contaminant as required by this subdivision, electronically post on its Internet web page a notice that informs interested persons that it has initiated work on the risk assessment. The notice shall also include a brief description, or a bibliography, of the technical documents or other information the **Office** has identified to date as relevant to the preparation of the risk assessment and inform persons who wish to submit information concerning the contaminant that is the subject of the risk assessment of the name and address of the person in the **Office** to whom the information may be sent, the date by which the information must be received in order for the **Office** to consider it in the preparation of the risk assessment, and that all information submitted will be made available to any member of the public who requests it. Until July 1, 2001, the **Office of Environmental Health Hazard Assessment** shall send the notice to interested persons who request it by mail.
- (B) Each draft risk assessment prepared by the **Office of Environmental Health Hazard Assessment** pursuant to this subdivision shall be made available to the public at least 45 calendar days prior to the date that public comment and discussion on the risk assessment are solicited at the public workshop required by Section 57003.
- (C) At the time the **Office of Environmental Health Hazard Assessment** publishes the final risk assessment for a contaminant, the **Office** shall respond in writing to significant comments, data, studies, or other written information submitted by interested persons to the **Office** in connection with the preparation of the risk assessment. Any such comments, data, studies, or other written information submitted to the **Office** shall be made available to any member of the public who requests it.
- (D) Any interested person may, within 15 calendar days of the date the public workshop on a risk assessment is completed pursuant to Section 57003, request the **Office of Environmental Health Hazard Assessment** to submit the risk assessment to external

scientific peer review prior to its publication. If the **Office** receives such a request, the **Office** shall submit the risk assessment to external scientific peer review in a manner substantially equivalent to the external scientific peer review process set forth in Section 57004, if the person requesting the external scientific peer review enters into an enforceable agreement with the **Office** within 15 calendar days of making the request that requires the person requesting the external scientific peer review to fully reimburse the **Office** for all of the costs associated with conducting the external scientific peer review.

- (E) It is the intent of the Legislature that, if the **Office of Environmental Health Hazard Assessment** receives a request to submit a risk assessment prepared for a contaminant to which paragraph (2) of subdivision (e) applies to external scientific review, the peer review shall be conducted in a manner that does not affect the schedule for publishing the public health goal for that contaminant as set forth in paragraph (2) of subdivision (e).
- (d) Notwithstanding any other provision of this section, any maximum contaminant level in effect on August 22, 1995, may be amended by the department to make the level more stringent pursuant to this section. However, the department may only amend a maximum contaminant level to make it less stringent if the department shows clear and convincing evidence that the maximum contaminant level should be made less stringent and the amendment is made consistent with this section.
- (e)
 - (1) All public health goals published by the **Office of Environmental Health Hazard Assessment** shall be established in accordance with the requirements of subdivision (c) and shall be reviewed at least once every five years and revised, pursuant to subdivision (c), as necessary based upon the availability of new scientific data.
 - (2) On or before January 1, 1998, the **Office of Environmental Health Hazard Assessment** shall publish a public health goal for at least 25 drinking water contaminants for which a primary drinking water standard has been adopted by the department. The **Office** shall publish a public health goal for 25 additional drinking water contaminants by January 1, 1999, and for all remaining drinking water contaminants for which a primary drinking water standard has been adopted by the department by no later than December 31, 2001. A public health goal shall be published by the **Office of Environmental Health Hazard Assessment** at the same time the department proposes the adoption of a primary drinking water standard for any newly regulated contaminant.
- (f) The department or **Office of Environmental Health Hazard Assessment** may review, and adopt by reference, any information prepared by, or on behalf of, the United States Environmental Protection Agency for the purpose of adopting a national primary drinking water standard or maximum contaminant level goal when it establishes a California maximum contaminant level or publishes a public health goal.
- (g) At least once every five years after adoption of a primary drinking water standard, the department shall review the primary drinking water standard and shall, consistent with the criteria set forth in subdivisions (a) and (b), amend any standard if any of the following occur:
 - (1) Changes in technology or treatment techniques that permit a materially greater protection of public health or attainment of the public health goal.
 - (2) New scientific evidence that indicates that the substance may present a materially different risk to public health than was previously determined.
- (h) Not later than March 1 of every year, the department shall provide public notice of each primary drinking water standard it proposes to review in that year pursuant to this section. Thereafter, the department shall solicit and consider public comment and hold one or more public hearings regarding its proposal to either amend or maintain an existing standard. With adequate public notice, the department may review additional contaminants not covered by the March 1 notice.

- (i) This section shall operate prospectively to govern the adoption of new or revised primary drinking water standards and does not require the repeal or readoption of primary drinking water standards in effect immediately preceding January 1, 1997.
- (j) The department may, by regulation, require the use of a specified treatment technique in lieu of establishing a maximum contaminant level for a contaminant if the department determines that it is not economically or technologically feasible to ascertain the level of the contaminant.

Groundwater Contamination: Pesticides

Food and Agricultural Code

13141. The Legislature finds and declares all of the following:

- (a) It is the right of every citizen in this state to drink safe, potable, wholesome, and pure drinking water.
- (b) The health and economic prosperity of rural communities and individual farm families in the state are threatened by contaminated drinking water supplies because of their proximity to the use of pesticides.
- (c) Pesticide contaminants and other organic chemicals are being found at an ever increasing rate in underground drinking water supplies.
- (d) The United States Environmental Protection Agency has concluded that evidence of relatively localized levels of pesticide pollution should be treated as a warning of more widespread, future contamination.
- (e) Groundwater once polluted cannot be easily cleaned up; thus, there is a considerable potential that groundwater pollution will continue long after actions have been taken to restrict application of the pesticide to land.
- (f) Due to the potential widespread exposure to public drinking water supplies from pesticide applications to the land and the resultant risk to public health and welfare, the potential for pollution of groundwater due to pesticide use must be considered in the registration, renewal, and reregistration process.
- (g) It is the purpose of this article to prevent further pesticide pollution of the groundwater aquifers of this state which may be used for drinking water supplies.

13142. For the purposes of this article, the following definitions apply:

- (a) "Active ingredient" has the same meaning as defined in Section 136 of Title 7 of the United States Code.
- (b) "Agricultural use" has the same meaning as defined in Section 11408.
- (c) "Board" means the State Water Resources Control Board.
- (d) "Chemigation" means a method of irrigation whereby a pesticide is mixed with irrigation water before the water is applied to the crop or to the soil.
- (e) "Degradation product" means a substance resulting from the transformation of a pesticide by physicochemical or biochemical means.
- (f) "Groundwater protection data gap" means that, for a particular pesticide, the director, after study, has been unable to determine that each study required pursuant to subdivision (a) of Section 13143 has been submitted or that each study submitted pursuant to subdivision (a) of Section 13143 is valid, complete, and adequate.
- (g) "Henry's Law constant" is an indicator of the escaping tendency of dilute solutes from water and is approximated by the ratio of the vapor pressure to the water solubility at the same temperature.
- (h) "Pesticide" is defined in Section 12753.
- (i) "Pesticide registrant" means a person that has registered a pesticide pursuant to this chapter.
- (j) "Pollution" means the introduction into the groundwaters of the state of an active ingredient, other specified product, or degradation product of an active ingredient of a pesticide above a level, with an adequate margin of safety, that does not cause adverse health effects.
- (k) "Soil adsorption coefficient" is a measure of the tendency of pesticides, or their biologically active transformation products, to bond to the surfaces of soil particles.

- (l) "Soil microbial zone" means the zone of the soil below which the activity of microbial species is so reduced that it has no significant effect on pesticide breakdown.

13143.

- (a) Not later than December 1, 1986, a person that has registered an economic poison in California for agricultural use shall submit to the director the information prescribed in this subdivision. The information shall be submitted for each active ingredient in each economic poison registered. The registrant shall submit all of the following information:
- (1) Water solubility.
 - (2) Vapor pressure.
 - (3) Octanol-water partition coefficient.
 - (4) The soil adsorption coefficient.
 - (5) Henry's Law constant.
 - (6) Dissipation studies, including hydrolysis, photolysis, aerobic and anaerobic soil metabolism, and field dissipation, under California or similar environmental use conditions.
 - (7) Any additional information the director determines is necessary.
- (b) The director also may require the information prescribed in subdivision (a) for other specified ingredients and degradation products of an active ingredient in any economic poison. The director shall also require this information when the State Department of Health Services, the **Office of Environmental Health Hazard Assessment**, or the board submits a written request for the information to the director, if the State Department of Health Services, the **Office of Environmental Health Hazard Assessment**, or the board specifies the reasons why they consider the information necessary. The director shall deny the request upon a written finding that, based on available scientific evidence, the request would not further the purposes of this article.
- (c) All information submitted pursuant to subdivision (a) shall be presented in English and summarized in tabular form on no more than three sheets of paper with the actual studies, including methods and protocols attached. All information shall, at a minimum, meet the testing methods and reporting requirements provided by the Environmental Protection Agency Pesticide Assessment Guidelines, Subdivision D Series 60 to 64, inclusive, for product chemistry and Subdivision N Series 161 to 164, inclusive, for environmental fate, including information required for degradation products in specific studies. With prior approval from the director, registrants may use specified alternative protocols as permitted by the <<-United States->> Environmental Protection Agency guidelines, if the director finds use of the protocol is consistent with, and accomplishes the objectives of, this article. Studies conducted on active ingredients in the formulation of economic poisons shall meet the same testing methods as required for studies conducted on active ingredients. The department, in consultation with the board, may, in addition, require specified testing protocols that are specific to California soil and climatic conditions. The director may give a pesticide registrant an extension of up to two years if it determines that this additional time is necessary and warranted to complete the studies required in paragraph (6) of subdivision (a). No extension of the deadline for these studies shall go beyond December 1, 1989. When seeking the extension, the registrant shall submit to the director a written report on the current status of the dissipation studies for which the extension is being sought. For registrants granted an extension pursuant to this section, Section 13145 shall be effective upon the completion date established by the director.
- (d) The director may grant the registrant an extension beyond the one authorized in subdivision (c), if all of the following conditions are met:
- (1) The registrant submits a written request to the director for an extension beyond the one granted pursuant to subdivision (c). The request shall include the reasons why the extension is necessary and the findings produced by the study up to the time the request is made.
 - (2) The director finds that the registrant has made every effort to complete the studies required in paragraph (6) of subdivision (a) within the required time limits of the extension granted

- pursuant to subdivision (c) and that those studies could not be completed within the required time limits due to circumstances beyond the control of the registrant.
- (3) The director establishes a final deadline, not to exceed one year beyond the time limit of the extension granted pursuant to subdivision (c), and a schedule of progress by which the registrant shall complete the studies required in paragraph (6) of subdivision (a).
 - (e) After December 1, 1986, no registration of any new economic poison shall be granted unless the applicant submits all of the information required by the director pursuant to this article and the director finds that the information meets the requirements of this article.

13144.

- (a) Not later than December 1, 1986, the department shall establish specific numerical values for water solubility, soil adsorption coefficient (Koc), hydrolysis, aerobic and anaerobic soil metabolism, and field dissipation. The values established by the department shall be at least equal to those established by the Environmental Protection Agency. The department may revise the numerical values when the department finds that the revision is necessary to protect the groundwater of the state. The numerical values established or revised by the department shall always be at least as stringent as the values being used by the Environmental Protection Agency at the time the values are established or revised by the department.
- (b) Not later than December 1, 1987, and annually thereafter, the director shall report the following information to the Legislature, the **Office of Environmental Health Hazard Assessment**, and the board for each economic poison registered for agricultural use:
 - (1) A list of each active ingredient, other specified ingredient, or degradation product of an active ingredient of an economic poison for which there is a groundwater protection data gap.
 - (2) A list of each economic poison that contains an active ingredient, other specified ingredients, or degradation product of an active ingredient which is greater than one or more of the numerical values established pursuant to subdivision (a), or is less than the numerical value in the case of soil adsorption coefficient, in both of the following categories:
 - (A) Water solubility or soil adsorption coefficient (Koc).
 - (B) Hydrolysis, aerobic soil metabolism, anaerobic soil metabolism, or field dissipation.
 - (3) For each economic poison listed pursuant to paragraph (2) for which information is available, a list of the amount sold in California during the most recent year for which sales information is available and where and for what purpose the economic poison was used, when this information is available in the pesticide use report.
- (c) The department shall determine, to the extent possible, the toxicological significance of the degradation products and other specified ingredients identified pursuant to paragraph (2) of subdivision (b).

13148.

- (a) In order to more accurately determine the mobility and persistence of the economic poisons identified pursuant to paragraph (2) of subdivision (b) of Section 13144 and to determine if these economic poisons have migrated to groundwaters of the state, the director shall conduct soil and groundwater monitoring statewide in areas of the state where the economic poison is primarily used or where other factors identified pursuant to Section 13143 and subdivision (b) of Section 13144, including physicochemical characteristics and use practices of the economic poisons, indicate a probability that the economic poison may migrate to the groundwaters of the state. The monitoring shall commence within one year after the economic poison is placed on the Groundwater Protection List and shall be conducted in accordance with standard protocol and testing procedures established pursuant to subdivision (b). Monitoring programs shall replicate conditions under which the economic poison is normally used in the area of monitoring. In developing a monitoring program, the director shall coordinate with other agencies that conduct soil and groundwater monitoring.

- (b) Within 90 days after an economic poison is placed on the Groundwater Protection List pursuant to subdivision (d) of Section 13145, the director, in consultation with the board, shall develop a standard protocol and testing procedure for each economic poison identified pursuant to subdivision (d) of Section 13145.
- (c) The director shall report all monitoring results to the State Department of Health Services, the **Office of Environmental Health Hazard Assessment**, and the board.

13150. The director may allow the continued registration, sale, and use of an economic poison which meets any one of the conditions specified in Section 13149 if all of the following conditions are met:

- (a) The registrant submits a report and documented evidence which demonstrate both of the following:
 - (1) That the presence in the soil of any active ingredient, other specified ingredient, or degradation product does not threaten to pollute the groundwaters of the state in any region within the state in which the economic poison may be used according to the terms under which it is registered.
 - (2) That any active ingredient, other specified ingredient, or degradation product that has been found in groundwater has not polluted, and does not threaten to pollute, the groundwater of the state in any region within the state in which the economic poison may be used according to the terms under which it is registered.
- (b) A subcommittee of the director's pesticide registration and evaluation committee, consisting of one member each representing the director, the **Office of Environmental Health Hazard Assessment**, and the board, holds a hearing, within 180 days after it is requested by the registrant, to review the report and documented evidence submitted by the registrant and any other information or data which the subcommittee determines is necessary to make a finding.
- (c) The subcommittee, within 90 days after the hearing is conducted, makes any of the following findings and recommendations:
 - (1) That the ingredient found in the soil or groundwater has not polluted and does not threaten to pollute the groundwaters of the state.
 - (2) That the agricultural use of the economic poison can be modified so that there is a high probability that the economic poison would not pollute the groundwaters of the state.
 - (3) That modification of the agricultural use of the economic poison pursuant to paragraph (2) or cancellation of the economic poison will cause severe economic hardship on the state's agricultural industry, and that no alternative products or practices can be effectively used so that there is a high probability that pollution of the groundwater of the state will not occur. The subcommittee shall recommend a level of the economic poison that does not significantly diminish the margin of safety recognized by the subcommittee to not cause adverse health effects. When the subcommittee makes a finding pursuant to paragraph (2) or (3), it shall determine whether the adverse health effects of the economic poison are carcinogenic, mutagenic, teratogenic, or neurotoxic.
- (d) The director, within 30 days after the subcommittee issues its findings, does any of the following:
 - (1) Concurs with the subcommittee finding pursuant to paragraph (1) of subdivision (c) of Section 13149.
 - (2) Concurs with the subcommittee finding pursuant to paragraph (2) of subdivision (c) of Section 13149, and adopts modifications that result in a high probability that the economic poison would not pollute the groundwaters of the state.
 - (3) Concurs with the subcommittee findings pursuant to paragraph (3) of subdivision (c), or determines that the subcommittee finding pursuant to paragraph (2) of subdivision (c) will cause severe economic hardship on the state's agricultural industry. In either case, the director shall adopt the subcommittee's recommended level or shall establish a different level, provided the level does not significantly diminish the margin of safety to not cause adverse health effects.

- (4) Determines that, contrary to the finding of the subcommittee, no pollution or threat to pollution exists. The director shall state the reasons for his or her decisions in writing at the time any action is taken, specifying any differences with the subcommittee's findings and recommendations. The written statement shall be transmitted to the appropriate committees of the Senate and Assembly, the State Department of Health Services, the **Office of Environmental Health Hazard Assessment**, and the board. When the director takes action pursuant to paragraph (2) or (3), he or she shall determine whether the adverse health effects of the economic poison are carcinogenic, mutagenic, teratogenic, or neurotoxic.

Coastal Monitoring

Water Code

13177.

- (a) It is the intent of the Legislature that the state board continue to implement the California State Mussel Watch Program.
- (b) The Legislature finds and declares that the California State Mussel Watch Program provides the following benefits to the people of the state:
 - (1) An effective method for monitoring the long-term effects of certain toxic substances in selected fresh, estuarine, and marine waters.
 - (2) An important element in the state board's comprehensive water quality monitoring strategy.
 - (3) Identification, on an annual basis of specific areas where concentrations of toxic substances are higher than normal.
 - (4) Valuable information to guide the state and regional boards and other public and private agencies in efforts to protect water quality.
- (c) To the extent funding is appropriated for this purpose, the state board, in conjunction with the Department of Fish and Game, shall continue to implement the long-term coastal monitoring program known as the California State Mussel Watch Program. The program may consist of, but is not limited to, the following elements:
 - (1) removal of mussels, clams, and other aquatic organisms from relatively clean coastal sites and placing them in sampling sites. For purposes of this section, "sampling sites" means selected waters of concern to the state board and the Department of Fish and Game.
 - (2) After specified exposure periods at the sampling sites, removal of the aquatic organisms for analysis.
 - (3) Laboratory analysis of the removed aquatic organisms to determine the amounts of various toxic substances that may have accumulated in the bodies of the aquatic organisms.
 - (4) Making available both the short- and long-term results of the laboratory analysis to appropriate public and private agencies and the public.

13177.5.

- (a) The state board, in consultation with the **Office of Environmental Health Hazard Assessment**, shall develop a comprehensive coastal monitoring and assessment program for sport fish and shellfish, to be known as the Coastal Fish Contamination Program. The program shall identify and monitor chemical contamination in coastal fish and shellfish and assess the health risks of consumption of sport fish and shellfish caught by consumers.
- (b) The state board shall consult with the Department of Fish and Game, the **Office of Environmental Health Hazard Assessment**, and regional water quality control boards with jurisdiction over territory along the coast, to determine chemicals, sampling locations, and the species to be collected under the program. The program developed by the state board shall include all of the following:
 - (1) Screening studies to identify coastal fishing areas where fish species have the potential for accumulating chemicals that pose significant health risks to human consumers of sport fish and shellfish.
 - (2) The assessment of at least 60 screening study monitoring sites and 120 samples in the first five years of the program and an assessment of additional screening study sites as time and resources permit.

- (3) Comprehensive monitoring and assessment of fishing areas determined through screening studies to have a potential for significant human health risk and a reassessment of these areas every five years.
- (c) Based on existing fish contamination data, the state board shall designate a minimum of 40 sites as fixed sampling locations for the ongoing monitoring effort.
- (d) The state board shall contract with the **Office of Environmental Health Hazard Assessment** to prepare comprehensive health risk assessments for sport fish and shellfish monitored in the program. The assessments shall be based on the data collected by the program and information on fish consumption and food preparation. The **Office of Environmental Health Hazard Assessment**, within 18 months of the completion of a comprehensive study for each area by the state board, shall submit to the board a draft health risk assessment report for that area. Those health risk assessments shall be updated following the reassessment of areas by the board.
- (e) The **Office of Environmental Health Hazard Assessment** shall issue health advisories when the **Office** determines that consuming certain fish or shellfish presents a significant health risk. The advisories shall contain information for the public, and particularly the population at risk, concerning health risks from the consumption of the fish or shellfish. The **Office** shall notify the appropriate county health officers, the State Department of Health Services, and the Department of Fish and Game, prior to the issuance of a health advisory. The notification shall provide sufficient information for the purpose of posting signage. The **Office** shall urge county health officers to conspicuously post health warnings in areas where contaminated fish or shellfish may be caught including piers, commercial passenger fishing vessels, and shore areas where fishing occurs. The Department of Fish and Game shall publish the **Office's** health warnings in its Sport Fishing Regulations Booklet.

13177.6. To the extent funding is appropriated for this purpose, the state board, in consultation with the Department of Fish and Game and **Office of Environmental Health Hazard Assessment**, shall perform a monitoring study to reassess the geographic boundaries of the commercial fish closure off the Palos Verdes Shelf. The reassessment shall include collection and analysis of white croaker caught on the Palos Verdes Shelf, within three miles south of the Shelf, and within San Pedro Bay. Based on the results of the reassessment, the Department of Fish and Game, with guidance from the **Office of Environmental Health Hazard Assessment**, shall redelineate, if necessary, the commercial fish closure area to protect the health of consumers of commercially caught white croaker. The sample collection and analysis shall be conducted within 18 months of the enactment of this section and the reassessment of the health risk shall be conducted within 18 months of the completion of the analysis of the samples.

Bays and Estuaries

Water Code

13181.

- (a) For the purposes of this section, the following terms have the following meanings:
 - (1) "Coastal waters" means waters within the area bounded by the mean high tide line to the three-mile state waters limit, from the Oregon to the Mexican borders.
 - (2) "Coastal watersheds" means the watersheds of tributary waters that drain to the ocean and significantly influence coastal water quality.
- (b) (1) To the extent that funds are available for that purpose, the state board shall prepare and complete on or before January 1, 2000, an inventory of existing water quality monitoring activities within state coastal watersheds, bays, estuaries, and coastal waters. The information generated by preparing the inventory shall be made available as a report, and as an Internet-based index, that is available to the general public. A summary of the results shall be made available to the Legislature. The inventory shall include, but not be limited to, descriptions of all of the following:
 - (A) The sources of monitoring data, including federal, state, and local governments, the private sector, citizen groups, and nonprofit organizations.
 - (B) The monitoring methods being used by these sources.
 - (C) The location of the monitoring sites.
 - (D) Existing efforts to investigate the discharge of nonvolatile organic pollutants, including trace metals and nontarget organic chemicals, through storm drains into Santa Monica Bay, San Francisco Bay, Humboldt Bay, and San Diego Bay.
- (2) Notwithstanding any other provision of law, the state board shall carry out paragraph (1) by contracting with institutions with expertise in coastal water quality monitoring, which may include the Southern California Coastal Water Research Project and the San Francisco Estuary Institute, to undertake the inventory.
- (c) (1) To the extent that funds are available for that purpose, the state board, not later than January 1, 2001, shall prepare and submit to the Legislature a report that proposes the implementation of a comprehensive program to monitor the quality of state coastal watersheds, bays, estuaries, and coastal waters and their marine resources for pollutants, including, but not limited to, bacteria and viruses, petroleum hydrocarbons, heavy metals, and pesticides, as defined in Section 12753 of the Food and Agricultural Code. The proposed program shall utilize information available through the sources identified in paragraph (1) of subdivision (b), as appropriate, and shall avoid the duplication of existing and ongoing monitoring efforts to the extent feasible. The proposed program shall include, but not be limited to, all of the following:
 - (A) To the extent possible, a determination regarding the extent to which existing water quality objectives, sediment quality guidelines, tissue contaminant burden guidelines, and health standards are being met. Where information is not available to make this determination, the report shall identify methods for determining this information.
 - (B) To the extent possible, a determination regarding the sources of pollution in areas where objectives, standards, and guidelines are not being met. Where information is not available to make this determination, the report shall identify methods for determining this information.

- (C) Methods for determining the degree of improvement or degradation in coastal water quality over time with respect to these objectives, guidelines, and standards.
 - (D) To the extent possible, estimates of the total discharges of pollutants into state coastal watersheds, bays, estuaries, and coastal waters from all sources.
 - (E) Standard protocols for sampling and data collection methods, to maximize the usefulness of the data resulting from the program.
 - (F) Recommendations for a standard format for reporting monitoring results to maximize access to and use of the data.
 - (G) The estimated costs of implementing the program and the proposed schedule of implementation.
 - (H) A description of the method by which the state board shall provide biennial reporting to the public on water quality within the state's coastal watersheds, bays, estuaries, and coastal waters, and recommended actions that should be undertaken to maintain and improve water quality in those areas.
 - (I) A description of the method by which the state board shall develop a system for monitoring mass contaminant discharges, including, but not limited to, heavy metals, PCBs, PAHs, and pesticides from storm water at the point of discharge. The system shall provide for the appropriate frequency of monitoring for each specific contaminant. The system shall be designed to identify the relative contribution of contaminants in storm water to the overall anthropogenic discharges into near coastal waters. To the extent possible, the system shall be designed to determine the effectiveness of best management practices in reducing the discharges of contaminants to near coastal waters.
- (2) The state board shall consult with the San Francisco Estuary Institute and the Southern California Coastal Water Research Project to prepare the report. Notwithstanding any other provision of law, the state board may carry out paragraph (1) by contracting with institutions with expertise in coastal water quality monitoring, including, but not limited to, the Southern California Coastal Water Research Project and the San Francisco Estuary Institute, to prepare the report. The state board or its contractors shall convene workshops, symposia, and other professional and scientific meetings for the purpose of developing a consensus on the part of regulatory agencies and dischargers with regard to the appropriate methods to be used to monitor water quality on a statewide basis.
- (d) The state board shall not use more than 5 percent of the funds allocated to implement subdivisions (b) and (c) for the administrative costs of the contracts permitted under those provisions.

13191.

- (a) The state board shall convene an advisory group or groups to assist in the evaluation of program structure and effectiveness as it relates to the implementation of the requirements of Section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)), and applicable federal regulations and monitoring and assessment programs. The advisory group or groups shall be comprised of persons concerned with the requirements of Section 303(d) of the Clean Water Act. The state board shall provide public notice on its website of any meetings of the advisory group or groups and, upon the request of any party shall mail notice of the time and location of any meeting of the group or groups. The board shall also ensure that the advisory group or groups meet in a manner that facilitates the effective participation of the public and the stakeholder participants.
- (b) Notwithstanding Section 7550.5 of the Government Code, on or before November 30, 2000, and annually thereafter until November 30, 2002, the state board shall report to the Legislature on the structure and effectiveness of its water quality program as it relates to Section 303(d) of the Clean Water Act. The report may include the information required to be submitted by the board to the United States Environmental Protection Agency pursuant to Section 305 (b) of the Clean Water

Act, and any information required to be submitted to the Legislature pursuant to the Supplemental Report of the Budget Act of 1999. In formulating its report, the state board shall consider any recommendations of the advisory group or groups.

13191.3.

- (a) The state board, on or before July 1, 2003, shall prepare guidelines to be used by the state board and the regional boards for the purpose of listing and delisting waters and developing and implementing the total maximum daily load (TMDL) program and total maximum daily loads pursuant to Section 303(d) of the federal Clean Water Act (33 U.S.C. Sec. 1313(d)).
- (b) For the purposes of preparing the guidelines, the state board shall consider the consensus recommendations adopted by the public advisory group convened pursuant to Section 13191.
- (c) The guidelines shall be finalized not later than January 1, 2004.

13390. It is the intent of the Legislature that the state board and the regional boards establish programs that provide maximum protection for existing and future beneficial uses of bay and estuarine waters, and that these programs include a plan for remedial action at toxic hot spots. It is also the intent of the Legislature that these programs further compliance with federal law pertaining to the identification of waters where the protection and propagation of shellfish, fish, and wildlife are threatened by toxic pollutants and contribute to the development of effective strategies to control these pollutants. It is also the intent of the Legislature that these programs be structured and maintained in a manner which allows the state board and the regional boards to make maximum use of any federal funds which may be available for any of the purposes specified in this chapter.

13391.

- (a) The state board shall formulate and adopt a water quality control plan for enclosed bays and estuaries, which shall be known as the California Enclosed Bays and Estuaries Plan, in accordance with the procedures established by this division for adopting water quality control plans.
- (b) As part of its formulation and adoption of the California Enclosed Bays and Estuaries Plan, the state board shall review and update the Water Quality Control Policy for Enclosed Bays and Estuaries of California, as adopted in 1974 pursuant to Article 3 (commencing with Section 13140) of Chapter 3, and incorporate the results of that review and update in the California Enclosed Bays and Estuaries Plan.
- (c) State and regional offices, departments, boards and agencies shall fully implement the California Enclosed Bays and Estuaries Plan. Pending adoption of the California Enclosed Bays and Estuaries Plan by the state board, state and regional offices, departments, boards and agencies shall fully implement the Water Quality Control Policy for Enclosed Bays and Estuaries of California.
- (d) Each regional board shall review and, if necessary, revise waste discharge requirements that are inconsistent with those policies and principles.

13391.5. The definitions in this section govern the construction of this chapter.

- (a) "Enclosed bays" means indentations along the coast which enclose an area of oceanic water within distinct headlands or harbor works. "Enclosed bays" include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. "Enclosed bays" include, but are not limited to, Humboldt Bay, Bodega Harbor, Tomales Bay, Drake's Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay. For the purposes of identifying, characterizing, and ranking toxic hot spots pursuant to this chapter, Monterey Bay and Santa Monica Bay shall also be considered to be enclosed bays.
- (b) "Estuaries" means waters, including coastal lagoons, located at the mouths of streams which serve as mixing zones for fresh and ocean waters. Coastal lagoons and mouths of streams which are temporarily separated from the ocean by sandbars shall be considered as estuaries. Estuarine

waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and sea water. Estuarine waters include, but are not limited to, the Sacramento-San Joaquin Delta, as defined in Section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay Rivers.

- (c) "Health risk assessment" means an analysis which evaluates and quantifies the potential human exposure to a pollutant that bioaccumulates or may bioaccumulate in edible fish, shellfish, or wildlife. "Health risk assessment" includes an analysis of both individual and population wide health risks associated with anticipated levels of human exposure, including potential synergistic effects of toxic pollutants and impacts on sensitive populations.
- (d) "Sediment quality objective" means that level of a constituent in sediment which is established with an adequate margin of safety, for the reasonable protection of the beneficial uses of water or the prevention of nuisances.
- (e) "Toxic hot spots" means locations in enclosed bays, estuaries, or any adjacent waters in the "contiguous zone" or the "ocean," as defined in Section 502 of the Clean Water Act (33 U.S.C. Sec. 1362), the pollution or contamination of which affects the interests of the state, and where hazardous substances have accumulated in the water or sediment to levels which (1) may pose a substantial present or potential hazard to aquatic life, wildlife, fisheries, or human health, or (2) may adversely affect the beneficial uses of the bay, estuary, or ocean waters as defined in water quality control plans, or (3) exceeds adopted water quality or sediment quality objectives.
- (f) "Hazardous substances" has the same meaning as defined in subdivision (h) of Section 25281 of the Health and Safety Code.

13392. The state board and the regional boards, in consultation with the **Office of Environmental Health Hazard Assessment** and the Department of Fish and Game, shall develop and maintain a comprehensive program to (1) identify and characterize toxic hot spots, as defined in Section 13391.5, (2) plan for the cleanup or other appropriate remedial or mitigating actions at the sites, and (3) amend water quality control plans and policies to incorporate strategies to prevent the creation of new toxic hot spots and the further pollution of existing hot spots. As part of this program, the state board and regional boards shall, to the extent feasible, identify specific discharges or waste management practices which contribute to the creation of toxic hot spots, and shall develop appropriate prevention strategies, including, but not limited to, adoption of more stringent waste discharge requirements, onshore remedial actions, adoption of regulations to control source pollutants, and development of new programs to reduce urban and agricultural runoff.

13392.5.

- (a) Each regional board which has regulatory authority for one or more enclosed bays or estuaries shall, by January 1, 1992, develop for each enclosed bay or estuary, a consolidated data base which identifies and describes all known and suspected toxic hot spots. Each regional board shall, in consultation with the state board, also develop an ongoing monitoring and surveillance program that includes, but is not limited to, the following components:
 - (1) Establishment of a monitoring and surveillance task force that includes representation from agencies, including, but not limited to, the **Office of Environmental Health Hazard Assessment** and the Department of Fish and Game, that routinely monitor water quality, sediment, and aquatic life.
 - (2) Suggested guidelines to promote standardized analytical methodologies and consistency in data reporting.
 - (3) Identification of additional monitoring and analyses that are needed to develop a complete toxic hot spot assessment for each enclosed bay and estuary.

- (b) Each regional board shall make available to state and local agencies and the public all information contained in the consolidated data base, as well as the results of new monitoring and surveillance data.

13393.5. On or before July 1, 1992, the state board, in consultation with the **Office of Environmental Health Hazard Assessment** and the Department of Fish and Game, shall adopt general criteria for the assessment and priority ranking of toxic hot spots. The criteria shall take into account the pertinent factors relating to public health and environmental quality, including, but not limited to, potential hazards to public health, toxic hazards to fish, shellfish, and wildlife, and the extent to which the deferral of a remedial action will result or is likely to result in a significant increase in environmental damage, health risks, or cleanup costs.

13395.5. The state board may enter into contracts and other agreements for the purpose of evaluating or demonstrating methods for the removal, treatment, or stabilization of contaminated bottom sediment. For the purpose of preparing health risk assessments pursuant to Section 13393, the state board shall enter into contracts or agreements with the **Office of Environmental Health Hazard Assessment**, or with other state or local agencies, subject to the approval of the **Office**. The costs incurred for work conducted by other state agencies, including, but not limited to, the **Office** and the Department of Fish and Game, pursuant to this chapter shall be reimbursed according to the terms of an interagency agreement between the state board and the agency.

Marine and Coastal Resources

Public Resources Code

6230. An amount specified in the annual Budget Act shall be available for distribution for public and private higher education for use as up to two-thirds of the local matching share for projects under the National Sea Grant College and Program Act of 1966 (P.L. 89-688) approved, upon the recommendation of the advisory panel appointed pursuant to Section 6232, by the Secretary of the Resources Agency or the secretary's designee.

6231. There shall be a Sea Grant Advisory Panel consisting of 17 members as provided in Sections 6232, 6233, and 6234. The advisory panel shall do all of the following:

- (a) Review all applications for funding under this section and make recommendations based upon the priorities it establishes.
- (b) Periodically review progress on sea grant research projects subsequent to their approval and funding under this chapter.
- (c) Make recommendations to the Secretary of the Resources Agency with respect to the implementation of this section.

6232. The Secretary of the Resources Agency shall appoint the following members of the advisory panel, who shall serve at the pleasure of the secretary:

- (a) A representative of the Department of Boating and Waterways.
- (b) A representative of the Department of Conservation.
- (c) A representative of the Department of Fish and Game.
- (d) The Executive Director of the California Coastal Commission or the executive director's designee.
- (e) A representative of the fish industry.
- (f) A representative of the aquaculture industry.
- (g) A representative of the ocean engineering industry.
- (h) A representative of the University of California.
- (i) A representative of the California State University.
- (j) A representative of a private California institution of higher education that is participating in the National Sea Grant Program.
- (k) A representative of the State Lands Commission.
- (l) A representative of the **Office of Environmental Health Hazard Assessment**.
- (m) A representative of the State Water Resources Control Board.
- (n) A representative of the Office of Oil Spill Prevention and Response in the Department of Fish and Game, designated by the administrator for oil spill response.

6233.

- (a) The Senate Committee on Rules shall appoint one Member of the Senate to the advisory panel, who shall serve at the pleasure of the Senate Committee on Rules.
- (b) The Speaker of the Assembly shall appoint one Member of the Assembly to the advisory panel, who shall serve at the pleasure of the Speaker. This member shall not be of the same political party as the member appointed by the Senate Committee on Rules.

6234. The Secretary of the Resources Agency, or the secretary's designee shall be a member of the advisory panel and shall serve as chairperson of the advisory panel.

6236. The Sea Grant research projects selected for the state support under this chapter shall have a clearly defined benefit to the people of the State of California. Those projects, to be conducted by universities, colleges, or other institutions participating in the California Sea Grant College Program, shall be applicable to marine and coastal resources management, policy, science, and engineering issues that face this state now or in the reasonably foreseeable future.

6237.

- (a) The Legislature hereby finds and declares that the funding provided by this chapter is needed to stimulate the development and utilization of ocean and coastal resources by working constructively with private sector firms and individuals.
- (b) The Legislature further recognizes the high productivity of the California Sea Grant College Program, the only statewide program systematically devoted to supporting fundamental research, education, and extension activities on the diversity of problems related to marine resources protection and development.

6238. Nothing in this chapter shall be construed to preclude the application for funding of any project that would be eligible for funding under the terms of the National Sea Grant College and Program Act of 1966.

36300. The Ocean Resources Task Force is hereby created in state government. The task force is comprised of the following or their designee: the Secretary for Environmental Protection, the Secretary of the Resources Agency, the Director of Commerce, the Director of **Environmental Health Hazard Assessment**, the Secretary of the Business, Transportation and Housing Agency, the Chairperson or Executive Officer of the State Lands Commission as determined by the commission, the Chairperson or Executive Director of the California Coastal Commission as determined by the commission, the Chairperson or Executive Officer of the State Coastal Conservancy as determined by the conservancy, the Chairperson or Executive Director of the San Francisco Bay Conservation and Development Commission as determined by the commission, the Director of Conservation, the Director of Fish and Game, the Director of Boating and Waterways, the Director of Parks and Recreation, the Chairperson of the Mining and Geology Board, the Chairperson or Executive Director of the State Water Resources Control Board as determined by the board, the Executive Officer of each California regional water quality control board for a coastal region, the Director of Finance, the Chairperson or Executive Director of the State Energy Resources Conservation and Development Commission as determined by the commission, the Chairperson of the State Air Resources Board, the Chairperson of the Senate Committee on Natural Resources and Wildlife, the Chairperson of the Assembly Natural Resources Committee, the President of the University of California, the Chancellor of the California State University, and the Director of the California Sea Grant program.

36301. The chairperson of the task force shall be the Secretary of the Resources Agency, who shall provide all staff support required by the task force. The task force shall meet at the call of the chairperson.

36302. The chairperson of the task force, with advice from the task force, shall appoint the California Ocean Resources Advisory Committee, which, at a minimum, shall consist of the following: representatives of coastal local governments, relevant federal agencies, environmental and interest groups, the Legislature, and relevant industries such as oil and gas, hard minerals, biotechnology, commercial and sportfishing, seafood processing, aquaculture, transportation, tourism, and ports and harbors. The advisory committee shall review the draft of the report and plan of the task force and shall advise the task force in its preparation.

Consumer Products

Proposition 65: Safe Drinking Water and Toxic Enforcement Act of 1986

Health and Safety Code

25249.5. Prohibition On Contaminating Drinking Water With Chemicals Known to Cause Cancer or Reproductive Toxicity.

No person in the course of doing business shall knowingly discharge or release a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water, notwithstanding any other provision or authorization of law except as provided in Section 25249.9.

25249.6. Required Warning Before Exposure To Chemicals Known to Cause Cancer Or Reproductive Toxicity.

No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual, except as provided in Section 25249.10.

25249.7.

- (a) Any person that violates or threatens to violate Section 25249.5 or 25249.6 may be enjoined in any court of competent jurisdiction.
- (b) (1) Any person who has violated Section 25249.5 or 25249.6 shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) per day for each violation in addition to any other penalty established by law. That civil penalty may be assessed and recovered in a civil action brought in any court of competent jurisdiction.
- (2) In assessing the amount of a civil penalty for a violation of this chapter, the court shall consider all of the following:
 - (A) The nature and extent of the violation.
 - (B) The number of, and severity of, the violations.
 - (C) The economic effect of the penalty on the violator.
 - (D) Whether the violator took good faith measures to comply with this chapter and the time these measures were taken.
 - (E) The willfulness of the violator's misconduct.
 - (F) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community as a whole.
 - (G) Any other factor that justice may require.
- (c) Actions pursuant to this section may be brought by the Attorney General in the name of the people of the State of California, by any district attorney, by any city attorney of a city having a population in excess of 750,000, or, with the consent of the district attorney, by a city prosecutor in any city or county having a full-time city prosecutor, or as provided in subdivision (d).
- (d) Actions pursuant to this section may be brought by any person in the public interest if both of the following requirements are met:
 - (1) The private action is commenced more than 60 days from the date that the person has given notice of an alleged violation of Section 25249.5 or 25249.6 that is the subject of the private action to the Attorney General and the district attorney, city attorney, or prosecutor in whose jurisdiction the violation is alleged to have occurred, and to the alleged violator. If the notice

- alleges a violation of Section 25249.6, the notice of the alleged violation shall include a certificate of merit executed by the attorney for the noticing party, or by the noticing party, if the noticing party is not represented by an attorney. The certificate of merit shall state that the person executing the certificate has consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action, and that, based on that information, the person executing the certificate believes there is a reasonable and meritorious case for the private action. Factual information sufficient to establish the basis of the certificate of merit, including the information identified in paragraph (2) of subdivision (h), shall be attached to the certificate of merit that is served on the Attorney General.
- (2) Neither the Attorney General, any district attorney, any city attorney, nor any prosecutor has commenced and is diligently prosecuting an action against the violation.
 - (e) Any person bringing an action in the public interest pursuant to subdivision (d) and any person filing any action in which a violation of this chapter is alleged shall notify the Attorney General that the action has been filed. Neither this subdivision nor the procedures provided in subdivisions (f) to (j), inclusive, shall affect the requirements imposed by statute or a court decision in existence on January 1, 2002, concerning whether any person filing any action in which a violation of this chapter is alleged is required to comply with the requirements of subdivision (d).
 - (f)
 - (1) Any person filing an action in the public interest pursuant to subdivision (d), any private person filing any action in which a violation of this chapter is alleged, or any private person settling any violation of this chapter alleged in a notice given pursuant to paragraph (1) of subdivision (d), shall, after the action or violation is subject either to a settlement or to a judgment, submit to the Attorney General a reporting form that includes the results of that settlement or judgment and the final disposition of the case, even if dismissed. At the time of the filing of any judgment pursuant to an action brought in the public interest pursuant to subdivision (d), or any action brought by a private person in which a violation of this chapter is alleged, the plaintiff shall file an affidavit verifying that the report required by this subdivision has been accurately completed and submitted to the Attorney General.
 - (2) Any person bringing an action in the public interest pursuant to subdivision (d), or any private person bringing an action in which a violation of this chapter is alleged, shall, after the action is either subject to a settlement, with or without court approval, or to a judgment, submit to the Attorney General a report that includes information on any corrective action being taken as a part of the settlement or resolution of the action.
 - (3) The Attorney General shall develop a reporting form that specifies the information that shall be reported, including, but not limited to, for purposes of subdivision (e), the date the action was filed, the nature of the relief sought, and for purposes of this subdivision, the amount of the settlement or civil penalty assessed, other financial terms of the settlement, and any other information the Attorney General deems appropriate.
 - (4) If there is a settlement of an action brought by a person in the public interest under subdivision (d), the plaintiff shall submit the settlement, other than a voluntary dismissal in which no consideration is received from the defendant, to the court for approval upon noticed motion, and the court may approve the settlement only if the court makes all of the following findings:
 - (A) Any warning that is required by the settlement complies with this chapter.
 - (B) Any award of attorney's fees is reasonable under California law.
 - (C) Any penalty amount is reasonable based on the criteria set forth in paragraph (2) of subdivision (b).
 - (5) The plaintiff subject to paragraph (4) has the burden of producing evidence sufficient to sustain each required finding. The plaintiff shall serve the motion and all supporting papers on the Attorney General, who may appear and participate in any proceeding without intervening in the case.

- (6) Neither this subdivision nor the procedures provided in subdivision (e) and subdivisions (g) to (j), inclusive, shall affect the requirements imposed by statute or a court decision in existence on the January 1, 2002, concerning whether claims raised by any person or public prosecutor not a party to the action are precluded by a settlement approved by the court.
- (g) The Attorney General shall maintain a record of the information submitted pursuant to subdivisions (e) and (f) and shall make this information available to the public.
- (h) (1) Except as provided in paragraph (2), the basis for the certificate of merit required by subdivision (d) is not discoverable. However, nothing in this subdivision shall preclude the discovery of information related to the certificate of merit if that information is relevant to the subject matter of the action and is otherwise discoverable, solely on the ground that it was used in support of the certificate of merit.
- (2) Upon the conclusion of an action brought pursuant to subdivision (d) with respect to any defendant, if the trial court determines that there was no actual or threatened exposure to a listed chemical, the court may, upon the motion of that alleged violator or upon the court's own motion, review the basis for the belief of the person executing the certificate of merit, expressed in the certificate of merit, that an exposure to a listed chemical had occurred or was threatened. The information in the certificate of merit, including the identity of the persons consulted with and relied on by the certifier, and the facts, studies, or other data reviewed by those persons, shall be disclosed to the court in an in-camera proceeding at which the moving party shall not be present. If the court finds that there was no credible factual basis for the certifier's belief that an exposure to a listed chemical had occurred or was threatened, then the action shall be deemed frivolous within the meaning of Section 128.6 or 128.7 of the Code of Civil Procedure, whichever provision is applicable to the action. The court shall not find a factual basis credible on the basis of a legal theory of liability that is frivolous within the meaning of Section 128.6 or 128.7 of the Code of Civil Procedure, whichever provision is applicable to the action.
- (i) The Attorney General may provide the factual information submitted to establish the basis of the certificate of merit on request to any district attorney, city attorney, or prosecutor within whose jurisdiction the violation is alleged to have occurred, or to any other state or federal government agency, but in all other respects the Attorney General shall maintain, and ensure that all recipients maintain, the submitted information as confidential official information to the full extent authorized in Section 1040 of the Evidence Code.
- (j) In any action brought by the Attorney General, a district attorney, a city attorney, or a prosecutor pursuant to this chapter, the Attorney General, district attorney, city attorney, or prosecutor may seek and recover costs and attorney's fees on behalf of any party who provides a notice pursuant to subdivision (d) and who renders assistance in that action.

25249.8. List Of Chemicals Known to Cause Cancer Or Reproductive Toxicity.

- (a) On or before March 1, 1987, the Governor shall cause to be published a list of those chemicals known to the state to cause cancer or reproductive toxicity within the meaning of this chapter, and he shall cause such list to be revised and republished in light of additional knowledge at least once per year thereafter. Such list shall include at a minimum those substances identified by reference in Labor Code Section 6382(b)(1) and those substances identified additionally by reference in Labor Code Section 6382(d).
- (b) A chemical is known to the state to cause cancer or reproductive toxicity within the meaning of this chapter if in the opinion of the state's qualified experts it has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer or reproductive toxicity, or if a body considered to be authoritative by such experts has formally identified it as causing cancer or reproductive toxicity, or if an agency of the state or federal government has formally required it to be labeled or identified as causing cancer or reproductive toxicity.

- (c) On or before January 1, 1989, and at least once per year thereafter, the Governor shall cause to be published a separate list of those chemicals that at the time of publication are required by state or federal law to have been tested for potential to cause cancer or reproductive toxicity but that the state's qualified experts have not found to have been adequately tested as required.
- (d) The Governor shall identify and consult with the state's qualified experts as necessary to carry out his duties under this section.
- (e) In carrying out the duties of the Governor under this section, the Governor and his designates shall not be considered to be adopting or amending a regulation within the meaning of the Administrative Procedure Act as defined in Government Code Section 11370.

25249.9. Exemptions from Discharge Prohibition.

- (a) Section 25249.5 shall not apply to any discharge or release that takes place less than twenty months subsequent to the listing of the chemical in question on the list required to be published under subdivision (a) of Section 25249.8.
- (b) Section 25249.5 shall not apply to any discharge or release that meets both of the following criteria:
 - (1) The discharge or release will not cause any significant amount of the discharged or released chemical to enter any source of drinking water.
 - (2) The discharge or release is in conformity with all other laws and with every applicable regulation, permit, requirement, and order. In any action brought to enforce Section 25249.5, the burden of showing that a discharge or release meets the criteria of this subdivision shall be on the defendant.

25249.10. Exemptions from Warning Requirement.

Section 25249.6 shall not apply to any of the following:

- (a) An exposure for which federal law governs warning in a manner that preempts state authority.
- (b) An exposure that takes place less than twelve months subsequent to the listing of the chemical in question on the list required to be published under subdivision (a) of Section 25249.8.
- (c) An exposure for which the person responsible can show that the exposure poses no significant risk assuming lifetime exposure at the level in question for substances known to the state to cause cancer, and that the exposure will have no observable effect assuming exposure at one thousand (1000) times the level in question for substances known to the state to cause reproductive toxicity, based on evidence and standards of comparable scientific validity to the evidence and standards which form the scientific basis for the listing of such chemical pursuant to subdivision (a) of Section 25249.8. In any action brought to enforce Section 25249.6, the burden of showing that an exposure meets the criteria of this subdivision shall be on the defendant.

25249.11. Definitions.

For purposes of this chapter:

- (a) "Person" means an individual, trust, firm, joint stock company, corporation, company, partnership, limited liability company, and association.
- (b) "Person in the course of doing business" does not include any person employing fewer than 10 employees in his or her business; any city, county, or district or any department or agency thereof or the state or any department or agency thereof or the federal government or any department or agency thereof; or any entity in its operation of a public water system as defined in Section 116275.
- (c) "Significant amount" means any detectable amount except an amount which would meet the exemption test in subdivision (c) of Section 25249.10 if an individual were exposed to such an amount in drinking water.

- (d) "Source of drinking water" means either a present source of drinking water or water which is identified or designated in a water quality control plan adopted by a regional board as being suitable for domestic or municipal uses.
- (e) "Threaten to violate" means to create a condition in which there is a substantial probability that a violation will occur.
- (f) "Warning" within the meaning of Section 25249.6 need not be provided separately to each exposed individual and may be provided by general methods such as labels on consumer products, inclusion of notices in mailings to water customers, posting of notices, placing notices in public news media, and the like, provided that the warning accomplished is clear and reasonable. In order to minimize the burden on retail sellers of consumer products including foods, regulations implementing Section 25249.6 shall to the extent practicable place the obligation to provide any warning materials such as labels on the producer or packager rather than on the retail seller, except where the retail seller itself is responsible for introducing a chemical known to the state to cause cancer or reproductive toxicity into the consumer product in question.

25249.12.

- (a) The Governor shall designate a lead agency [**Office of Environmental Health Hazard Assessment**] and other agencies that may be required to implement this chapter, including this section. Each agency so designated may adopt and modify regulations, standards, and permits as necessary to conform with and implement this chapter and to further its purposes.
- (b) The Safe Drinking Water and Toxic Enforcement Fund is hereby established in the State Treasury. The director of the lead agency designated by the Governor to implement this chapter may expend the funds in the Safe Drinking Water and Toxic Enforcement Fund, upon appropriation by the Legislature, to implement and administer this chapter.
- (c) In addition to any other money that may be deposited in the Safe Drinking Water and Toxic Enforcement Fund, all of the following amounts shall be deposited in the fund:
 - (1) Seventy-five percent of all civil and criminal penalties collected pursuant to this chapter.
 - (2) Any interest earned upon the money deposited into the Safe Drinking Water and Toxic Enforcement Fund.
- (d) Twenty-five percent of all civil and criminal penalties collected pursuant to this chapter shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action, or in the case of an action brought by a person under subdivision (d) of Section 25249.7, to that person.

25249.13. Preservation Of Existing Rights, Obligations, and Penalties.

Nothing in this chapter shall alter or diminish any legal obligation otherwise required in common law or by statute or regulation, and nothing in this chapter shall create or enlarge any defense in any action to enforce such legal obligation. Penalties and sanctions imposed under this chapter shall be in addition to any penalties or sanctions otherwise prescribed by law.

Food Safety: Fish Contamination

Fish and Game Code

7715.

- (a) If the Director of **Environmental Health Hazard Assessment** determines, based on thorough and adequate scientific evidence, that any species or subspecies of fish is likely to pose a human health risk from high levels of toxic substances, the Director of Fish and Game may order the closure of any waters or otherwise restrict the taking under a commercial fishing license in state waters of that species. Any such closure or restriction order shall be adopted by emergency regulation in accordance with Chapter 3.5 (commencing with Section 11341) of Division 3 of Title 2 of the Government Code.
- (b) Any closure or restriction pursuant to subdivision (a) shall become inoperative when the Director of **Environmental Health Hazard Assessment** determines that a health risk no longer exists. Upon making such a determination, the Director of **Environmental Health Hazard Assessment** shall notify the Director of Fish and Game and shall request that those waters be reopened for commercial fishing.

Art Products Hazards

Education Code

32060.

- (a) The Legislature finds and declares that art supplies which contain toxic substances or which are potential human carcinogens pose a significant danger to the health and safety of school children. The Legislature also finds and declares that school children are not sufficiently protected by present health laws in so far as materials which may be seriously harmful are not so labeled and therefore children are not properly warned as to the dangers inherent in the use of those materials.
- (b) The Legislature intends by this article to ensure that elementary school children are protected by prohibiting the sale of these toxic substances to schools, school districts, and private schools for use in kindergarten and grades 1 to 6, inclusive, and that the toxic substances may be purchased by schools, school districts, and private schools for students in grades 7 to 12, inclusive, only if the materials are properly labeled, as described in Section 32064.

32061. "Art or craft material" means any raw or processed material or manufactured product marketed or being represented by the manufacturer or repackager as being suitable for use in the demonstration or the creation of any work of visual or graphic art of any medium. These media may include, but shall not be limited to, paintings, drawings, prints, sculpture, ceramics, enamels, jewelry, stained glass, plastic sculpture, photographs, and leather and textile goods.

32062.

- (a) "Human carcinogen" means any substance listed as a human carcinogen by the International Agency for Research on Cancer.
- (b) "Potential human carcinogen" means one of the following:
 - (1) Any substance which does not meet the definition of human carcinogen, but for which there exists sufficient evidence of carcinogenicity in animals, as determined by the International Agency for Research on Cancer.
 - (2) Any chemical shown to be changed by the human body into a human carcinogen.

32063. "Toxic substance causing chronic illness" means any of the following:

- (a) Human carcinogens.
- (b) Potential human carcinogens.
- (c) Any substance included in the list of hazardous substances prepared by the Director of Industrial Relations, pursuant to Section 6382 of the Labor Code, notwithstanding exemptions made for substances on the list which are used in particular forms, circumstances, or concentrations, if the health hazard presented by the substance is not the subject of label statements required by federal law.

32064.

- (a) For the 1987-88 academic year and for each academic year thereafter, no art or craft material which is deemed by the **Office of Environmental Health Hazard Assessment** to contain a toxic substance, as defined by the California Hazardous Substance Act, Chapter 13 (commencing with Section 28740) of Division 22 of the Health and Safety Code, or a toxic substance causing chronic illness, as defined in this article, shall be ordered or purchased by any school, school district, or governing authority of a private school in California for use by students in kindergarten and grades 1 to 6, inclusive.

- (b) Commencing June 1, 1987, any substance which is defined in subdivision (a) as a toxic substance causing chronic illness shall not be purchased or ordered by a school, school district, or governing authority of a private school for use by students in grades 7 to 12, inclusive, unless it meets the labeling standards specified in Section 32065.
- (c) If the **Office** finds that, because the chronically toxic, carcinogenic, or radioactive substances contained in an art or craft product cannot be ingested, inhaled, or otherwise absorbed into the body during any reasonably foreseeable use of the product in a way that could pose a potential health risk, the **Office** may exempt the product from these requirements to the extent it determines to be consistent with adequate protection of the public health and safety.
- (d) For the purposes of this article, an art or craft material shall be presumed to contain an ingredient which is a toxic substance causing chronic illness if the ingredient, whether an intentional ingredient or an impurity, is 1 percent or more by weight of the mixture or product, or if the **Office** determines that the toxic or carcinogenic properties of the art or craft material are such that labeling is necessary for the adequate protection of the public health and safety.

32065. Warning labels for substances specified in Section 32064 shall meet all of the following standards:

- (a) The warning label shall be affixed in a conspicuous place and shall contain the signal word "WARNING," to alert users of potential adverse health effects.
- (b) The warning label shall contain information on the health-related dangers of the art or craft material.
 - (1) If the product contains a human carcinogen, the warning shall contain the statement: "CANCER HAZARD! Overexposure may create cancer risk."
 - (2) If the product contains a potential human carcinogen, and does not contain a human carcinogen, the warning shall contain the statement: "POSSIBLE CANCER HAZARD! Overexposure might create cancer risk."
 - (3) If the product contains a toxic substance causing chronic illness, the warning shall contain, but not be limited to, the following statement or statements where applicable:
 - (A) May cause sterility or damage to reproductive organs.
 - (B) May cause birth defects or harm to developing fetus.
 - (C) May be excreted in human milk causing harm to nursing infant.
 - (D) May cause central nervous system depression or injury.
 - (E) May cause numbness or weakness in the extremities.
 - (F) Overexposure may cause damage to (specify organ).
 - (G) Heating above (specify degrees) may cause hazardous decomposition products.
 - (4) If a product contains more than one chronically toxic substance, or if a single substance can cause more than one chronic health effect, the required statements may be combined into one warning statement.
- (c) The warning label shall contain a list of ingredients which are toxic substances causing chronic illness.
- (d) The warning label shall contain a statement or statements of safe use and storage instructions, conforming to the following list. The label shall contain, but not be limited to, as many of the following risk statements as are applicable:
 - (1) Keep out of reach of children.
 - (2) When using, do not eat, drink, or smoke.
 - (3) Wash hands after use and before eating, drinking, or smoking.
 - (4) Keep container tightly closed.
 - (5) Store in well ventilated area.
 - (6) Avoid contact with skin.
 - (7) Wear protective clothing (specify type).
 - (8) Wear NIOSH certified masks for dust, mists, or fumes.
 - (9) Wear NIOSH certified respirator with appropriate cartridge for (specify type).

- (10) Wear NIOSH certified supplied air respirator.
- (11) Use window exhaust fan to remove vapors and assure adequate ventilation (specify explosion proof if necessary).
- (12) Use local exhaust hood (specify type).
- (13) Do not heat above (specify degrees) without adequate ventilation.
- (14) Do not use/mix with (specify material).
- (e) The warning label shall contain a statement on where to obtain more information, such as, "Call your local poison control center for more health information."
- (f) The warning label, or any other label on the substance, shall contain the name and address of the manufacturer or repackager.
- (g) If all of the above information cannot fit on the package label, a package insert shall be required to convey all the necessary information to the consumer. In this event, the label shall contain a statement to refer to the package insert, such as "CAUTION: See package insert before use." For purposes of this section, "package insert" means a display of written, printed, or graphic matter upon a leaflet or suitable material accompanying the art supply. The language on this insert shall be nontechnical and nonpromotional in tone and content.

The requirements set forth in subdivisions (a) to (g), inclusive, shall not be considered to be complied with unless the required words, statements, or other information appear on the outside container or wrapper, or on a package insert which is easily legible through the outside container or wrapper and is painted in a color in contrast with the product or the package containing the product.

An art or craft material shall be considered to be in compliance with this section if Article 4 (commencing with Section 28794) of Chapter 13 of Division 22 of the Health and Safety Code requires labeling of the art or craft material, and if the material is in compliance with that article. The manufacturer of any art or craft material sold, distributed, offered for sale, or exposed for sale in this state shall supply upon request to **Office of Environmental Health Hazard Assessment** any information required by the **Office** in order to perform its duties under this article.

32066. The **Office of Environmental Health Hazard Assessment** shall, by June 1, 1987, develop a list of those art or craft materials which cannot be purchased or ordered for use in kindergarten and in grades 1 to 6, inclusive, and a list of materials which, while not currently sold or manufactured, may be reasonably suspected to still exist at some schools. In developing the lists, the **Office** shall consult with manufacturers of art supplies, artists' groups, health organizations, and toxicologists as the **Office** determines to be appropriate. The **Office** shall periodically update the lists as it determines to be appropriate.

The Superintendent of Public Instruction shall distribute the lists to all school districts and the governing authorities of all private schools in California, and shall make the lists available to preschools, childcare centers, and other businesses and organizations which involve children in the use of art or craft materials. The superintendent shall inform school districts and governing authorities of all private schools of the requirements of this article, and shall encourage school districts and the governing authorities of all private schools to dispose of art or craft material which may contain human carcinogens, potential human carcinogens, or chronically toxic substances, but which is not affected by this article.

Motor Vehicle Fuels

Health and Safety Code

43830.8.

- (a) The state board may not adopt any regulation that establishes a specification for motor vehicle fuel unless that regulation, and a multimedia evaluation conducted by affected agencies and coordinated by the state board, are reviewed by the California Environmental Policy Council established pursuant to subdivision (b) of Section 71017 of the Public Resources Code.
- (b) As used in this section, "multimedia evaluation" means the identification and evaluation of any significant adverse impact on public health or the environment, including air, water, or soil, that may result from the production, use, or disposal of the motor vehicle fuel that may be used to meet the state board's motor vehicle fuel specifications.
- (c) The multimedia evaluation shall be based on the best available scientific data, written comments submitted by any interested person, and information collected by the state board in preparation for rulemaking. At a minimum, the evaluation shall address impacts associated with all the following:
 - (1) Emissions of air pollutants, including ozone forming compounds, particulate matter, toxic air contaminants, and greenhouse gases.
 - (2) Contamination of surface water, groundwater, and soil.
 - (3) Disposal or use of the byproducts and waste materials from the production of the fuel.
- (d) The state board shall prepare a written summary of the multimedia evaluation and submit it for peer review in accordance with Section 57004. The state board shall maintain for public inspection, a record of any relevant materials submitted from any state agency and any written public comments received during the multimedia evaluation. The state board shall submit its written summary and the results of the peer review to the California Environmental Policy Council prior to the adoption of the proposed regulation.
- (e) The council shall complete its review of the multimedia evaluation within 90 calendar days following notice from the state board that it intends to adopt the regulation. If the council determines that the proposed regulation will cause a significant adverse impact on the public health or the environment, or that alternatives exist that would be less adverse, the council shall recommend alternative measures that the state board or other state agencies may take to reduce the adverse impact on public health or the environment. The council shall make all information relating to its review available to the public.
- (f) Within 60 days of receiving notification from the council of a determination of adverse impact, the state board shall adopt revisions to the proposed regulation to avoid or reduce the adverse impact, or the affected agencies shall take appropriate action that will, to the extent feasible, mitigate the adverse impact so that, on balance, there is no adverse impact on public health or the environment.
- (g) In coordinating a multimedia evaluation pursuant to subdivision (a), the state board shall **consult with other boards and departments within the California Environmental Protection Agency**, the State Department of Health Services, the State Energy Resources Conservation and Development Commission, the Department of Forestry and Fire Protection, the Department of Food and Agriculture, and other state agencies with responsibility for, or expertise regarding, impacts that could result from the production, use, or disposal of the motor vehicle fuel that may be used to meet the specification.
- (h) Notwithstanding subdivisions (a) through (g), inclusive, the state board may, prior to July 1, 2000, adopt a regulation that was formally proposed prior to January 1, 2000, to revise existing specifications for motor vehicle fuel, if the council reviews the environmental assessment of the

proposed revision and determines that there will be no significant adverse impact on public health or the environment, including any impact on air, water, or soil, that is likely to result from the change in motor vehicle fuel that is expected to be implemented to meet the state board's revised motor vehicle fuel specifications. Such a determination by the council shall be deemed final and conclusive.

- (i) Notwithstanding subdivision (a), the state board may adopt a regulation that establishes a specification for motor vehicle fuel without the proposed regulation being subject to a multimedia evaluation if the council, following an initial evaluation of the proposed regulation, conclusively determines that the regulation will not have any significant adverse impact on public health or the environment.

Building Materials: Insulation

Public Resources Code

25911. The State Energy Resources Conservation and Development Commission may adopt regulations pertaining to urea formaldehyde foam insulation materials as are reasonably necessary to protect the public health and safety. These regulations may include, but are not limited to, prohibition of the manufacture, sale, or installation of urea formaldehyde foam insulation, requirements for safety notices to consumers, certification of installers, and specification of installation practices. Regulations adopted pursuant to this section shall be promulgated after public hearings in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. Any regulation adopted by the commission to prohibit the sale and installation of urea formaldehyde foam insulation shall be based upon a record of scientific evidence which demonstrates the need for the prohibition in order to protect the public health and safety.

25912. Prior to adopting any regulation which causes a prohibition on the sale and installation of urea formaldehyde foam insulation, the commission shall consult with, and solicit written comments from, all of the following:

- (a) Federal and state agencies with appropriate scientific staffs, including, but not limited to, the State Department of Health Services, the **Office of Environmental Health Hazard Assessment**, the National Academy of Sciences, the United States Department of Housing and Urban Development, the United States Department of Energy, and the United States Consumer Product Safety Commission.
- (b) Universities and public and private scientific organizations.

Hazardous Materials Management

Research: Studies

Health and Safety Code

25410. The Legislature finds and declares the following:

- (a) Hazardous materials, including hazardous substances and hazardous wastes, are present in the state and pose acute and chronic health risks to individuals who live and work in this state, and who are exposed to these substances as a result of fires, spills, industrial accidents, or other types of releases or emissions.
- (b) The people who live and work in this state have a right and a need to know of the use and dangers of hazardous materials in their communities in order to plan for, and respond to, potential exposure to these materials.
- (c) Basic information on the location, type, characteristics, and health risks of hazardous materials used, stored, or disposed of in the state is not currently available to firefighters, health officials, planners, elected officials, and residents. There are gaps in the information collected and the data is stored in various formats, thereby limiting its effective use to protect the public health and safety.
- (d) Existing state data base computer systems are not capable of effectively exchanging hazardous material information nor are they accessible to state and local agencies which have a need for the information.

25411. As used in this chapter:

- (a) "Agency" means the California Environmental Protection Agency.
- (b) "Handle" means to use, generate, process, produce, package, treat, store, or dispose of a hazardous material in any fashion.
- (c) "Hazardous material" means any of the following materials:
 - (1) A material listed in subdivision (b) of Section 6382 of the Labor Code.
 - (2) A material defined in Section 25115, 25117, or 25316.
 - (3) Any other material which the director determines, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the community.
- (d) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.
- (e) "Secretary" means the Secretary for Environmental Protection.

25416.

- (a) All studies and community information programs conducted pursuant to this section shall be done only if either subdivision (b) applies or if funds are available without restructuring the department's funding priorities. The department shall conduct these studies and information programs in the following manner:

- (1) The department shall, except as provided in subdivision (b), and in conjunction with the local health officer, the State Department of Health Services, and the **Office of Environmental Health Hazard Assessment**, conduct or contract for epidemiological studies to identify and monitor health effects related to exposure to hazardous materials, as defined in Section 66084 of Title 22 of the California Code of Regulations. A study may be conducted in any area of the state identified by the department or the local health officer as a site of potential exposure to hazardous materials, including, but not limited to, any of the following areas:
 - (A) All communities located near hazardous waste disposal facilities.
 - (B) In all communities containing hazardous substance release sites listed pursuant to Section 25356 or listed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.).
 - (C) In all areas around the location of major generators of hazardous waste.
 - (D) In all other areas identified by local health officers or the department as possible locations of public exposure to hazardous materials.
- (2) The department, in consultation with the State Department of Health Services and the **Office of Environmental Health Hazard Assessment**, shall determine which epidemiological studies are to be conducted pursuant to this section based on the potential for public exposure to hazardous materials. Studies in areas near Class I hazardous waste disposal facilities, as defined in Section 2531 of Title 23 of the California Code of Regulations, shall be given the highest priority for funding. If a hearing is conducted pursuant to Section 25149 and the hearing officer determines that there is a significant potential for endangerment to the public as a result of the suspected or actual release of a hazardous material, the department shall give priority to conducting an epidemiological study for that facility.
- (3) If a local health officer determines that a study should be conducted pursuant to this section because of a potential public exposure to hazardous materials, the local health officer may request that the department initiate or contract for a study pursuant to this section by demonstrating to the department that there is sufficient evidence that justifies the need for a study. The department shall respond to the local health officer's request within 90 days.
- (4) A local health officer may contract with qualified persons or firms to produce the epidemiological studies specified in paragraph (1).
- (5) The design and methodology of any study conducted pursuant to this section shall be reviewed and approved by the department, the State Department of Health Services, and the **Office of Environmental Health Hazard Assessment** prior to the initiation of the study.
- (6) In any county in which hazardous waste disposal facilities are located and in all other counties in which the department identifies significant actual or potential public exposure to hazardous materials, the department shall, in conjunction with the local health officer, conduct or contract for a community information program with respect to sites of potential exposure to hazardous materials identified under paragraph (1) to do all of the following:
 - (A) Organize and conduct educational programs for local physicians and other health professionals on the effects of exposure to hazardous materials and reporting requirements.
 - (B) Disseminate information to high risk populations on the health effects of exposure to hazardous materials.
 - (C) Conduct public forums on the health effects of exposure to hazardous substances and methods of limiting exposure.
- (7) Paragraph (6) does not apply to hazardous substance release sites listed on the National Priorities List for which the Environmental Protection Agency has assumed lead responsibility for community relations.
- (b) If a county is authorized to impose a license tax pursuant to Section 25149.5 for revenue purposes, the department may require the county to provide funding for carrying out epidemiological studies or the community information program concerning the hazardous waste facility subject to the

license tax. The department shall provide the county with technical assistance to conduct an epidemiological study pursuant to this subdivision. The department may exempt a county from the requirement of this subdivision if the county demonstrates to the department that the revenue potential from the facility would not be adequate to conduct an epidemiological study or community information program. When considering a county request for an exemption, the department shall consider the regulatory costs and responsibilities of the county related to that facility.

- (c) The department shall expend funds from the Hazardous Substance Account, upon appropriation by the Legislature, to conduct studies and community information programs in counties containing a hazardous substance release site listed pursuant to Section 25356. The department shall expend funds from the Hazardous Waste Control Account, upon appropriation by the Legislature, to conduct all other studies and community information programs conducted pursuant to this section, except as provided in subdivision (b).

Site Clean-up

Health and Safety Code

901.

- (f) (1) On or before December 31, 2002, the **Office** shall publish a guidance document, for use by the Department of Toxic Substances Control and other state and local environmental and public health agencies, to assess exposures and health risks at existing and proposed schoolsites. The guidance document shall include, but not be limited to, all of the following:
 - (D) Appropriate child-specific routes of exposure unique to the school environment, in addition to those in existing exposure assessment models.
 - (E) Appropriate available child-specific numerical health effects guidance values, and plans for the development of additional child-specific numerical health effects guidance values.
 - (F) The identification of uncertainties in the risk assessment guidance, and those actions that should be taken to address those uncertainties.
- (2) The **Office** shall consult with the Department of Toxic Substances Control and the State Department of Education in the preparation of the guidance document required by paragraph (1) in order to ensure that it provides the information necessary for these two agencies to meet the requirements of Sections 17210.1 and 17213.1 of the Education Code.
- (g) On or before January 1, 2002, the **Office**, in consultation with the appropriate entities within the California Environmental Protection Agency, shall identify those chemical contaminants commonly found at schoolsites and determined by the **Office** to be of greatest concern based on criteria that identify child-specific exposures and child-specific physiological sensitivities. On or before December 31, 2002, and annually thereafter, the **Office** shall publish and make available to the public and to other state and local environmental and public health agencies and school districts, numerical health guidance values for five of those chemical contaminants identified pursuant to this subdivision until the contaminants identified have been exhausted.

25356.2.

- (a) There is hereby created in the **Office of Environmental Health Hazard Assessment** a Hazardous Substance Cleanup Arbitration Panel.
- (b) The panel shall apportion liability for the costs of removal and remedial actions in accordance with Sections 25356.3 and 25356.4. All meetings and records of the panel are exempt from Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of, and Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of, the Government Code.
- (c) The panel shall be comprised of independent private arbitrators who have applied to the **Office of Environmental Health Hazard Assessment** for membership on the panel. Panel members shall have (1) relevant arbitration background and (2) expertise in engineering, expertise in the physical, biological, or health sciences, or other relevant experience and qualifications. Three arbitrators shall be selected from the panel to apportion liability for a single hazardous waste site. A majority of the arbitrators selected for a single site may apportion liability for the panel under this chapter.
- (d) The arbitrators shall be selected for an individual hazardous wastesite as follows:
 - (1) One arbitrator shall be selected by the department or by the regional water quality control board.
 - (2) One arbitrator shall be selected by the potentially responsible party, or a majority of the potentially responsible parties, who have submitted to binding arbitration by the panel.

- (3) The two arbitrators selected pursuant to paragraphs (1) and (2) shall jointly select a third arbitrator.

25356.3.

- (a) The department or the California regional water quality control board shall serve a copy by mail of the draft remedial action plan upon all potentially responsible parties identified in the plan. Within 15 days after the issuance of a final remedial action plan, any potentially responsible parties with aggregate alleged liability in excess of 50 percent of the costs of removal and remedial action, as set forth in the statement of reasons issued pursuant to subdivision (d) of Section 25356.1, but excluding any costs that are the subject of an agreement under which any party agrees to assume liability for those costs, may convene an arbitration proceeding by agreeing to submit to binding arbitration by the panel. The filing of a demand to convene an arbitration panel shall not stay any removal or remedial actions specified in the plan. If an arbitration panel is convened pursuant to this section, any other potentially responsible party may elect to submit to binding arbitration by the panel. Any person submitting to arbitration under this section shall agree not to contest the fact of liability in the arbitration. The panel shall, and the parties are entitled to, address the proper apportionment of liability pursuant to subdivision (b). Submission to arbitration under this section is not an admission of liability for any other purpose or in any other proceeding, including a subsequent arbitration proceeding concerning the same site. The department or the regional water quality control board, whichever issued the final remedial action plan, shall participate in the arbitration proceedings to the same extent as the potentially responsible parties which have submitted to the arbitration.
- (b) The panel shall apportion liability for the costs of all removal and remedial actions specified in the final remedial action plan.
- (c) In panel proceedings, liability for the costs of removal and remedial actions shall be apportioned among all identifiable potentially responsible parties regardless of whether those parties are before the panel or have otherwise been released, or are immune, from liability pursuant to this chapter or any other provision of law. The panel shall apportion liability based on all of the following criteria:
 - (1) The amount of hazardous substance for which each party may be responsible.
 - (2) The degree of toxicity of the hazardous substance.
 - (3) The degree of involvement of the potentially responsible parties in the generation, transportation, treatment, or disposal of the hazardous substance.
 - (4) The degree of care exercised by the potentially responsible parties with respect to the hazardous substances, taking into account the characteristics of the substance.
 - (5) The degree of cooperation by the potentially responsible parties with federal, state, and local officials to prevent harm to human health and the environment.
- (d) The panel may issue subpoenas and subpoenas duces tecum to require attendance of a person or the production of documents, at the request of any person identified as potentially responsible in the remedial action plan, on its own motion, or at the request of the department or the appropriate regional water quality control board. A person requesting a subpoena duces tecum shall comply with Section 1985 of the Code of Civil Procedure. The jurisdiction of subpoenas and subpoenas duces tecum issued by the panel extends to all parts of the state. The subpoenas and subpoenas duces tecum shall be served pursuant to Sections 1987 and 1988 of the Code of Civil Procedure. If the panel determines that a person is refusing to respond to a subpoena or subpoena duces tecum, or is guilty of a misconduct during the arbitration and negotiation process, the panel shall certify the facts to the superior court of the county in which the site is located. The court shall thereupon issue an order directing the person to appear before the court and show cause why the person should not be punished for contempt pursuant to Section 1209 of the Code of Civil Procedure. The order and a copy of the certified statement shall be served on the person, and thereafter the court shall have jurisdiction of the matter. The same proceedings shall be followed, the same penalties

may be imposed, and the person charged may be purged of contempt in the same way as if the person has committed a contempt in the trial of a civil action before a superior court. After receipt of documents pursuant to a subpoena duces tecum, any party may request the panel for a continuance for a reasonable period of time to review the documents prior to proceeding with the arbitration. The panel may grant a continuance for that purpose upon a showing of good cause.

- (e) This chapter does not require a regional water quality control board or the State Water Resources Control Board to engage in arbitration pursuant to this section or Section 25356.2 for any enforcement action taken pursuant to Division 7 (commencing with Section 13000) of the Water Code.
- (f) The costs of conducting the arbitration shall be borne by the potentially responsible parties submitting to the arbitration pursuant to subdivision (a), except that any filing fees, witness fees, costs of discovery, or any other costs necessarily incurred by one party shall not be shared by any other party.

25356.4.

- (a) After making an apportionment of liability among the potentially responsible parties pursuant to Section 25356.3, the panel shall prepare a draft arbitration decision which contains a statement of reasons supporting the apportionment and shall circulate the draft arbitration decision for at least 30 days for public comment. After review and consideration of any public comment, the panel shall issue the final arbitration decision within 30 days after the comment period.
- (b) Each potentially responsible party whose liability has been apportioned by the panel is liable to the department or the regional water quality control board for its apportioned share of the costs of all removal and remedial actions at the site which is the subject of the final remedial action plan issued pursuant to Section 25356.1. The department or the regional water quality control board and one or more potentially responsible parties may enter into a cleanup agreement which is consistent with the remedial action plan and which provides for the satisfaction of the liability of a potentially responsible party by the party's performance of specified removal or remedial actions at the site.
- (c) The moneys in the state account or the Hazardous Substance Cleanup Fund may be expended, upon appropriation by the Legislature, to pay any share of those potentially responsible parties who did not submit to binding arbitration pursuant to Section 25356.3 or did not otherwise agree to pay the costs of the removal and remedial actions specified in the remedial action plan.
- (d) The department or the regional water quality control board shall identify, and the Attorney General shall pursue recovery from, those potentially responsible parties who have not submitted to binding arbitration pursuant to Section 25356.3 or who have not discharged their obligations required by the final arbitration decision or the cleanup agreement.
- (e) Advances from the state account, upon appropriation by the Legislature, shall be made available, where appropriate, to those responsible parties who are required by a cleanup agreement to perform specified removal or remedial actions pursuant to the remedial action plan. Moneys from the Hazardous Substance Cleanup Fund may be expended by the department, upon appropriation by the Legislature, to make advances, where appropriate, to responsible parties who are required by a cleanup agreement to perform specified removal or remedial actions pursuant to the remedial action plan, for the purposes specified in Section 25385.6.

25356.10. **The Office of Environmental Health Hazard Assessment** shall adopt, and may, from time to time, modify, revise, or repeal, regulations, consistent with this article, to implement the provisions of this article concerning arbitration proceedings. The regulations may include, but are not required to be limited to, all of the following:

- (a) The method of initiating arbitration.
- (b) The place of hearing, based upon the convenience of the parties.
- (c) Procedures for the selection of neutral arbitrators.
- (d) Procedure for conducting hearings.

- (e) The providing of experts to assist the arbitrators if assistance is needed.
- (f) Procedures for reimbursing the expenses which the panel incurs in conducting arbitrations

Health and Safety Code

57008.

- (a) For purposes of this section, the following definitions apply:
 - (1) "Agency" means the California Environmental Protection Agency.
 - (2) "Contaminant" means all of the following:
 - (A) A substance listed in Tables II and III of subparagraphs (A) and (B) of paragraph (2) of subdivision (a) of Section 66261.24 of Title 22 of the California Code of Regulations.
 - (B) The five halogenated hydrocarbon industrial solvents that, in the experience of the State Water Resources Control Board and the Department of Toxic Substances Control are most commonly found as contaminants at sites subject to remediation under the Carpenter-Presley-Tanner Hazardous Substances Account Act (Chapter 6.8 (commencing with Section 25300) of Division 20) and the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code).
 - (C) Ten hazardous substances not included under subparagraphs (A) and (B) that, in the experience of the Department of Toxic Substances Control and the State Water Resources Control Board, are most commonly found as contaminants at sites subject to remediation under the Carpenter-Presley-Tanner Hazardous Substances Account Act (Chapter 6.8 (commencing with Section 25300) of Division 20) and the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code).
 - (3) "Screening number" means the concentration of a contaminant published by the agency as an advisory number pursuant to the process established in subdivisions (b) and (c). A screening number is solely an advisory number, and has no regulatory effect, and is published solely as a reference value that may be used by citizen groups, community organizations, property owners, developers, and local government officials to estimate the degree of effort that may be necessary to remediate a contaminated property. A screening number may not be construed as, and may not serve as, a level that can be used to require an agency to determine that no further action is required or a substitute for the cleanup level that is required to be achieved for a contaminant on a contaminated property. The public agency with jurisdiction over the remediation of a contaminated site shall establish the cleanup level for a contaminant pursuant to the requirements and the procedures of the applicable laws and regulations that govern the remediation of that contaminated property and the cleanup level may be higher or lower than a published screening number.
- (b) (1) During the same period when the agency is carrying out the pilot study required by Section 57009 and preparing the informational document required by Section 57010, the agency shall initiate a scientific peer review of the screening levels published in Appendix 1 of Volume 2 of the technical report published by the San Francisco Regional Water Quality Control Board entitled "Application of Risk-Based Screening Levels and Decision-Making to Sites with Impacted Soil and Groundwater (Interim Final-August 2000)." The agency shall conduct the scientific peer review process in accordance with Section 57004, and shall limit the review to those substances specified in paragraph (2) of subdivision (a). The agency shall complete the peer review process on or before December 31, 2004.
- (2) The agency, in cooperation with the Department of Toxic Substances Control, the State Water Resources Control Board, and the **Office of Environmental Health Hazard Assessment**, shall publish a list of screening numbers for contaminants listed in paragraph (2) of subdivision (a) for the protection of human health and safety, and shall report on the feasibility of establishing screening numbers to protect water quality and ecological

- resources. The agency shall determine the screening numbers using the evaluation set forth in Section 25356.1.5 and the results of the peer review, and shall use the most stringent hazard criterion established pursuant to Subpart E of the National Oil and Hazardous Substances Pollution Contingency Plan (40 C.F.R. 300.400 et seq.), as amended. The agency shall set forth separate screening levels for unrestricted land uses and a restricted, nonresidential use of land. In determining each screening number, the agency shall consider all of the following:
- (A) The toxicology of the contaminant, its adverse effects on human health and safety, biota, and its potential for causing environmental damage to natural resources, including, but not limited to, beneficial uses of the water of the state, including sources of drinking water.
 - (B) Risk assessments that have been prepared for the contaminant by federal or state agencies pursuant to environmental or public health laws, evaluations of the contaminant that have been prepared by epidemiological studies and occupational health programs, and risk assessments or other evaluations of the contaminant that have been prepared by governmental agencies or responsible parties as part of a project to remediate a contaminated property.
 - (C) Cleanup levels that have been established for the contaminant at sites that have been, or are being, investigated or remediated under Chapter 6.8 (commencing with Section 25300) of Division 20, or cleaned up or abated under Division 7 (commencing with Section 13000) of the Water Code or under any other remediation program administered by a federal or local agency.
 - (D) Screening numbers that have been published by other agencies in the state, in other states, and by federal agencies.
 - (E) The results of external scientific peer review of the screening numbers made pursuant to Section 57004.
- (c)
 - (1) Before publishing the screening numbers pursuant to subdivision (b), the agency shall conduct two public workshops, one in the northern part of the state and the other in the southern part of the state, to brief interested parties on the scientific and policy bases for the development of the proposed screening numbers and to receive public comments.
 - (2) Following publication of the screening numbers pursuant to subdivision (b), the agency shall conduct three public workshops in various regions of the state to discuss the screening numbers and to receive public comments. The agency shall select an agency representative who shall serve as the chairperson for the workshops, and the agency shall ensure that ample opportunity is available for public involvement in the workshops. The deputy secretary for external affairs shall actively seek out participation in the workshops by citizen groups, environmental organizations, community-based organizations that restore and redevelop contaminated properties for park, school, residential, commercial, open-space or other community purposes, property owners, developers, and local government officials.
 - (d) Following the workshops required by subdivision (c), the agency shall revise the screening numbers as appropriate. The agency shall, from time to time, revise the screening numbers as necessary as experience is gained with their use and shall add screening numbers for contaminants to the list as information concerning remediation problems becomes available.
 - (e) The agency shall publish a guidance document for distribution to citizen groups, community-based organizations, property owners, developers, and local government officials that explains how screening numbers may be used to make judgments about the degree of effort that may be necessary to remediate contaminated properties, to facilitate the restoration and revitalization of contaminated property, to protect the waters of the state, and to make more efficient and effective decisions in local-level remediation programs.

- (f) Nothing in this section affects the authority of the Department of Toxic Substances Control, the State Water Resources Control Board, or a regional water quality control board to take action under any applicable law or regulation regarding a release or threatened release of hazardous materials.

Business and Professions Code

10084.1.

- (a) Notwithstanding Section 10450.6, on or before January 1, 1991, the department, using funds appropriated from the Education and Research Account in the Real Estate Fund, shall develop a booklet to educate and inform consumers on all of the following:
 - (1) Common environmental hazards that are located on, and affect, real property. The types of common environmental hazards shall include, but not be limited to, asbestos, radon gas, lead-based paint, formaldehyde, fuel and chemical storage tanks, and water and soil contamination.
 - (2) The significance of common environmental hazards and what can be done to mitigate these hazards.
 - (3) What sources can provide more information on common environmental hazards for the consumer.
- (b) The department shall seek the advice of the **Office of Environmental Health Hazard Assessment** to assist it in determining the contents of the booklet prepared pursuant to this section, and shall seek the assistance of the **Office of Environmental Health Hazard Assessment** in the writing of the booklet.

Emergency Response

Administrative Order

AUTHORITY

- California Emergency Services Act
- Governor's letter to Agency Secretaries dated 9/12/00
- Executive Order W-9-91 dated 5-29-91
- California State Emergency Plan

PURPOSE

This Administrative Order:

1. Summarizes and expands upon the emergency preparedness, response, recovery, and mitigation functions of the State Agency established in the California State Emergency Plan.
2. Provides for the assignment of functions to State Agencies to be performed before, during, and after an emergency and for the coordination and direction of the emergency actions of such agencies.
3. Guides the Director of the Office of Emergency Services and the State Agency Director in coordinating priority tasks and programs that the State Agency will perform with respect to emergency preparedness, response, recovery, and mitigation.

GENERAL

4. As a supporting document to the California State Emergency Plan, the Administrative Order is in effect at all times in all political subdivisions of the State.

ROLE OF THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES

5. The Office of Emergency Services coordinates the State's disaster preparedness, response, recovery, and mitigation activities, assisted by state agencies under the authority of the California Emergency Services Act, Executive Order W-9-91, California Disaster and Civil Defense Master Mutual Aid Agreement, and the California State Emergency Plan.
6. Upon direction of the Governor, the Director of the Office of Emergency Services may assign to a State Agency any activity concerned with the mitigation of an emergency of a nature related to the existing powers and duties of such agency, and it shall thereupon become the duty of such agency to undertake and carry out such activity on behalf of the State.
7. OES, acting for the Governor, reserves the right to redirect resources based on an assessment of the totality of circumstances.

ROLE OF STATE AGENCIES

8. For purposes of the Administrative Order, State Agency means any department, division, independent establishment, or agency of the executive branch of state government.

9. State Agencies carry out assigned activities related to mitigating the effects of an emergency or disaster in full cooperation with each other, the Office of Emergency Services, and other political subdivisions providing assistance.
10. OES may, upon direction of the Governor, assign a State Agency to perform a service outside its normal statutory responsibility during a State of Emergency or State of War Emergency.
11. State Agencies may be requested to provide support under specific emergency or disaster situations even if the support task is not assigned in the State Emergency Plan.
12. As a signatory to the California Disaster and Civil Defense Master Mutual Aid Agreement, State government and all its departments and agencies, and the various political subdivisions of the state, render mutual aid to affected jurisdictions when requested.
13. All public employees are Disaster Service Workers and, as such, may be called upon to respond in a duly proclaimed emergency.

STATE AGENCY RESPONSIBILITIES

The OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT shall:

14. Use the Standardized Emergency Management System (SEMS) to coordinate multiple jurisdiction or multiple agency emergency and disaster operations. This requires State Agencies to plan, train, exercise, and respond using SEMS.
15. Accomplish the assigned objectives of the State Emergency Plan and the emergency operations activities associated with its jurisdictional authorities.

CONTINUITY OF GOVERNMENT

16. Establish a program for continuity of leadership and government authority to include the following:
 - Succession to essential positions required to maintain decision authority.
 - Pre-delegation of emergency authorities to key officials.
 - Emergency action steps provided in emergency plans and emergency action plans.
 - Department Operations Centers and alternate emergency operations centers.

CONTINUITY OF BUSINESS

17. Take all necessary and appropriate steps to continue essential services during an emergency.
18. Take appropriate measures to protect personnel, equipment, supplies, facilities, and vital public records against natural, man-made, and technological hazards.
19. Redirect all other resources, when tasked or as necessary and appropriate, to effectively mitigate any emergency or disaster.
20. Determine State Agency resources required to continue essential services, and develop the ability to track and allocate resources necessary to provide emergency response and recovery activities.
21. Coordinate development and integration of all appropriate emergency operational plans with the State Agency's emergency plan.

PREPAREDNESS

22. Designate in advance, and when requested by the Office of Emergency Services (OES), provide primary and alternate representatives for interagency emergency planning, notification, operations, recovery, mitigation, and public information.
23. In coordination with OES, develop and maintain plans and procedures to carry out emergency response and recovery responsibilities.
24. Develop and submit agency emergency plans to OES for review and approval.
25. Document the hazards, risks, and hazard mitigation measures in agency emergency management plans; upon request, provide hazard-related information to OES to ensure effective coordination and decision making in an emergency.
26. Coordinate plans, procedures, preparations, and training with affected federal, state, regional, local, quasi-public, and private entities.
27. Enter into working agreements as necessary with these entities, in coordination with OES, to promote effective emergency response and recovery.
28. Those agencies identified in the State Emergency Plan as lead or support for a function are responsible for working cooperatively with each other, and in coordination with OES, to prepare plans and procedures to carry out that function in an emergency.
29. Ensure that all personnel assigned specific responsibilities in support of this Administrative Order, the State Agency Emergency Plan, and the State Emergency Plan are adequately trained and prepared to assume those responsibilities.
30. Train personnel assigned emergency response and recovery functions at all organizational levels, conduct exercises, and participate in local, state, and federal agency exercises, including those conducted by OES.
31. Establish alerting and mobilization procedures.
32. Name a public information representative to coordinate Emergency Public Information plans and procedures with the Office of Emergency Services Public Information Office.
33. In the event of a threat of war or enemy-caused emergency or disaster, review the State Agency's readiness and take appropriate actions.

The OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT *specific preparedness*

OPERATIONS

Hazardous Materials

- Maintain list of chemicals known to the state to cause cancer or reproductive toxicity.

LOGISTICS

- Develop and maintain library and other technical and reference resources of chemical, health, toxicology, and other scientific information.

RESPONSE

34. Implement the applicable portions of Agency emergency plans.
35. Alert personnel and mobilize resources in affected areas.
36. Upon request, provide trained personnel, equipment, and essential incident-related information to OES to support response operations.
37. Coordinate emergency response with federal, state, local, and other agencies.
38. Establish liaison with allied governmental and private sector agencies in or adjacent to the disaster area as needed.

39. Provide public information support to Office of Emergency Services headquarters, regional offices, or local jurisdictions as required during state emergency or disaster response operations.
40. Locate and assess amounts of damage to any of the Agency's state-owned facilities or property under Agency jurisdiction. Report this information to OES as soon as possible.
41. Record and report to OES any costs incurred in carrying out emergency operations, in accordance with pre-established procedures.
42. A State Agency designated as lead in the State Emergency Plan for an emergency function or response and recovery activity is responsible for the overall management and coordination of that particular function or activity.
43. A State Agency designated as a support agency for an emergency function in the State Emergency Plan is responsible for providing support to the lead agency in carrying out that particular function.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT *specific response activities*

OPERATIONS

Hazardous Materials

- Provide health effects information to incident command, following hazardous material releases.
- Provide health effects information, to local health agencies and health professionals following hazardous material releases.
- Provide technical staff such as toxicologists and epidemiologists to identify health effects of hazardous materials, including those that may cause discomfort, disability or pose a threat to life.
- Provide assistance in determining public health risk and environmental threats of hazardous substances.
- Provide technical assistance, including chemical risk characterization information, to responders in assessing potential exposures for decisions on sheltering-in-place, evacuation, and re-entry.
- Provide technical staff, such as toxicologists and epidemiologists, to assist in environmental fate assessment, determining health and environmental consequences of breakdown products, reaction products, and intermedia transfers.

LOGISTICS

- Provide library and other technical reference resources of chemical, health, toxicology, and other scientific information.
- Provide communication and data transfer equipment such as cellular telephones, and portable computers.

RECOVERY

44. Upon request, provide personnel and equipment to OES to support recovery operations.
45. During recovery from a declared disaster, participate in the Public Assistance process, as appropriate.
46. Coordinate with OES to identify sensitive, environmental, and historic sites that should receive priority consideration.
47. Provide public information support as required to assist in recovery operations.
48. Develop and implement procedures to resume normal departmental activities.
49. Following involvement in a disaster, submit after-action reports detailing agency activities to OES consistent with the Standardized Emergency Management System.
50. Document response and recovery activities to include times, locations, type of activity, and cost estimates expended for labor and equipment.
51. In the event a declaration of a State of Emergency or Local Emergency results in an economic disaster as defined in Government Code, Section 8696.5 be prepared to take actions to provide continuity of effort conducive to long-range economic recovery.

The OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT *specific recovery activities*

OPERATIONS

Hazardous Materials

- Provide chemical risk characterization information on public health risk and environmental threats of hazardous substances.
- Provide technical staff such as toxicologists and epidemiologists to assist in environmental fate assessment, determining health and environmental consequences of breakdown products, reaction products, and intermedia transfers.
- Perform or assist in epidemiological studies to ascertain health effects related to exposure to hazardous materials.
- Coordinate the provision of timely and accurate health effects information.
- Provide consultation on environmental sampling and residual risks associated with remediation.
- Provide support to local health agencies and health professionals following hazardous material releases by providing toxicological information.

MITIGATION

52. Identify, document, and when practical, implement those activities that potentially could reduce or lessen the impact of an emergency.
53. Establish hazard mitigation as an integral element in operations and program delivery as appropriate.
54. During a Presidential declaration of a major disaster, participate in the Hazard Mitigation Planning process.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT *specific mitigation activities*

N/A

APPROVAL

55. The provisions hereof shall become effective on the date of signature below.

DIRECTOR NAME, Agency

Date: _____

SECRETARY NAME, Agency

Date: _____

DALLAS JONES, Director, OES

Date: _____

Uncontrolled Release: Hazardous Materials

Health and Safety Code

25531.

- (a) The Legislature finds and declares that a significant number of chemical manufacturing and processing facilities generate, store, treat, handle, refine, process, and transport hazardous materials. The Legislature further finds and declares that, because of the nature and volume of chemicals handled at these facilities, some of those operations may represent a threat to public health and safety if chemicals are accidentally released.
- (b) The Legislature recognizes that the potential for explosions, fires, or releases of toxic chemicals into the environment exists. The protection of the public from uncontrolled releases or explosions of hazardous materials is of statewide concern.
- (c) There is an increasing capacity to both minimize and respond to releases of toxic air contaminants and hazardous materials once they occur, and to formulate efficient plans to evacuate citizens if these discharges or releases cannot be contained. However, programs designed to prevent these accidents are the most effective way to protect the community health and safety and the environment. These programs should anticipate the circumstances that could result in their occurrence and require the taking of necessary precautionary and preemptive actions, consistent with the nature of the hazardous materials handled by the facility and the surrounding environment.
- (d) As required by Clean Air Act amendments enacted in 1990 (P.L. 101-549), the Environmental Protection Agency has developed a program for the prevention of accidental releases of regulated substances. In developing the program, the Environmental Protection Agency thoroughly reviewed a wide variety of chemical and hazardous substances to identify substances that might pose a risk to public health or safety or to the environment in the event of an accidental release. The Environmental Protection Agency developed a program to prevent accidental releases of those substances determined to potentially pose the greatest risk of immediate harm to the public and the environment. The federal program provides no options for implementing agencies to diminish the requirements or applicability of the federal program.
- (e) In light of this new federal program, the Legislature finds and declares that the goals of reducing regulated substances accident risks and eliminating duplication of regulatory programs can best be accomplished by implementing the federal risk management program in the state, with certain amendments that are specific to the state. Therefore, it is the intent of the Legislature that the state seek and receive delegation of the federal program for prevention of accidental releases of regulated substances established pursuant to Section 112(r) of the federal Clean Air Act (42 U.S.C. Section 7412 (r)), by implementing the federal program as promulgated by the Environmental Protection Agency, with certain amendments that are specific to the state.

25531.1. The Legislature finds and declares that the public has a right to know about acutely hazardous materials accident risks that may affect their health and safety, and that this right includes full and timely access to hazard assessment information, including offsite consequence analysis for the most likely hazards, which identifies the offsite area which may be required to take protective action in the event of an acutely hazardous materials release. The Legislature further finds and declares that the public has a right to participate in decisions about risk reduction options and measures to be taken to reduce the risk or severity of acutely hazardous materials accidents.

25531.2.

- (a) The Legislature finds and declares that as the state implements the federal accidental release prevention program pursuant to this article, the Office of Emergency Services will play a vital and increased role in preventing accidental releases of extremely hazardous substances. The Legislature further finds and declares that as an element of the unified program established pursuant to Chapter 6.11 (commencing with Section 25404), a single fee system surcharge mechanism is established by Section 25404.5 to cover the costs incurred by the office pursuant to this article. It is the intent of the Legislature that this existing authority, together with any federal assistance that may become available to implement the accidental release program, be used to fully fund the activities of the office necessary to implement this article.
- (b) The office shall use any federal assistance received to implement Chapter 6.11 (commencing with Section 25404) to offset any fees or charges levied to cover the costs incurred by the office pursuant to this article.

25532. Unless the context indicates otherwise, the following definitions govern the construction of this article:

- (a) "Accidental release" means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.
- (b) "Administering agency" means the local agency authorized, pursuant to Section 25502, to implement and enforce this article.
- (c) "Covered process" means a process that has a regulated substance present in more than a threshold quantity.
- (d) "Modified stationary source" means an addition or change to a stationary source that qualifies as a "major change," as defined in Subpart A of Part 68 of Title 40 of the Code of Federal Regulations. "Modified stationary source" does not include an increase in production up to the source's existing operational capacity or an increase in production level, up to the production levels authorized in a permit granted pursuant to Section 42300.
- (e) "Process" means any activity involving a regulated substance, including any use, storage, manufacturing, handling, or onsite movement of the regulated substance or any combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located so that a regulated substance could be involved in a potential release, shall be considered a single process.
- (f) "Qualified person" means a person who is qualified to attest, at a minimum, to the completeness of an RMP.
- (g) "Regulated substance" means any substance that is either of the following:
 - (1) A regulated substance listed in Section 68.130 of Title 40 of the Code of Federal Regulations pursuant to paragraph (3) of subsection (r) of Section 112 of the Clean Air Act (42 U.S.C. Sec. 7412(r)(3)).
 - (2) (A) An extremely hazardous substance listed in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations that is any of the following:
 - (i) A gas at standard temperature and pressure.
 - (ii) A liquid with a vapor pressure at standard temperature and pressure equal to or greater than ten millimeters mercury.
 - (iii) A solid that is one of the following:
 - (I) In solution or in molten form.
 - (II) In powder form with a particle size less than 100 microns.
 - (III) Reactive with a National Fire Protection Association rating of 2, 3, or 4.
 - (iv) A substance that the office determines may pose a regulated substances accident risk pursuant to subclause (II) of clause (i) of subparagraph (B) or pursuant to Section 25543.3.

- (B) (i) On or before June 30, 1997, the office shall, in consultation with the **Office of Environmental Health Hazard Assessment**, determine which of the extremely hazardous substances listed in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations do either of the following:
 - (I) Meet one or more of the criteria specified in clauses (i), (ii), or (iii) of subparagraph (A).
 - (II) May pose a regulated substances accident risk, in consideration of the factors specified in subdivision (g) of Section 25543.1, and, therefore, should remain on the list of regulated substances until completion of the review conducted pursuant to subdivision (a) of Section 25543.3.
- (ii) The office shall adopt, by regulation, a list of the extremely hazardous substances identified pursuant to clause (i). Extremely hazardous substances placed on the list are regulated substances for the purposes of this article. Until the list is adopted, the administering agency shall determine which extremely hazardous substances should remain on the list of regulated substances pursuant to the standards specified in clause (i).
- (h) "Regulated substances accident risk" means a potential for the accidental release of a regulated substance into the environment that could produce a significant likelihood that persons exposed may suffer acute health effects resulting in significant injury or death.
- (i) "RMP" means the risk management plan required under Part 68 (commencing with Section 68.1) of Subchapter C of Chapter I of Title 40 of the Code of Federal Regulations and by this article.
- (j) "State threshold quantity" means the quantity of a regulated substance described in subparagraph (A) of paragraph (2) of subdivision (g), as adopted by the office pursuant to Section 25543.1 or 25543.3. Until the office adopts a state threshold quantity for a regulated substance, the state threshold quantity shall be the threshold planning quantity for the regulated substance specified in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations.
- (k) "Stationary source" means any stationary source, as defined in Section 68.3 of Title 40 of the Code of Federal Regulations.
- (l) "Threshold quantity" means the quantity of a regulated substance that is determined to be present at a stationary source in the manner specified in Section 68.115 of Title 40 of the Code of Federal Regulations and that is the lesser of either of the following:
 - (1) The threshold quantity for the regulated substance specified in Section 68.130 of Title 40 of the Code of Federal Regulations.
 - (2) The state threshold quantity.

25543.1.

- (a) Any person may submit a petition to the office for the addition of a material to, or for the deletion of a material from, the regulated substances list adopted pursuant to subparagraph (B) of paragraph (2) of subdivision (g) of Section 25532 or to revise the existing state threshold quantities that are used as the standards for registration and RMP compliance.
- (b) A petition submitted pursuant to subdivision (a) shall be accompanied by a submission fee, to be established by the office, in consultation with the **Office of Environmental Health Hazard Assessment**. The fee shall be in an amount that is sufficient to pay for the reasonable costs incurred by the office and the **Office of Environmental Health Hazard Assessment** necessary to carry out this section. Upon the receipt of the petition and fee, the office shall transmit to the **Office of Environmental Health Hazard Assessment** funds sufficient to pay for the reasonable costs incurred by the **Office of Environmental Health Hazard Assessment** to carry out this section.

- (c) An owner or operator of a stationary source shall not delay implementation of this article in anticipation of a ruling on a petition to delist a regulated substance or to change a state threshold quantity.
- (d) The office shall notify administering agencies of petitions for adding or delisting regulated substances or for changing state threshold quantities and shall take comments from administering agencies on the petitions. All comments shall be responded to in writing.
- (e) The office shall notify the public of petitions for adding or delisting regulated substances or for changing state threshold quantities and shall take public comment on the petitions. All comments shall be responded to in writing.
- (f) (1) The office shall request the **Office of Environmental Health Hazard Assessment** to review the petitions and make recommendations to the office regarding the petitions.
- (2) Each recommendation made pursuant to paragraph (1) shall be based on current scientific knowledge and a sound and open scientific review and shall contain a finding whether a substance should be added to, or deleted from, the regulated substance list, or whether the state threshold quantity for a regulated substance should be revised.
- (g) The petition review by the **Office of Environmental Health Hazard Assessment** shall take into consideration all of the following factors:
 - (1) The severity of any acute adverse health effect associated with an accidental release of the substance.
 - (2) The likelihood of an accidental release of the substance.
 - (3) The potential magnitude of human exposure to an accidental release of the substance.
 - (4) The results of other preexisting evaluations of the substances potential risks which take into account the factors specified in paragraphs (1), (2), and (3), including, but not limited to, studies or research undertaken by, or on behalf of, the Environmental Protection Agency for the purpose of complying with paragraph (3) of subsection (r) of Section 112 of the Clean Air Act (42 U.S.C. Sec. 7412 (r)(3)).
 - (5) The likelihood of the substance being handled in this state.
 - (6) The accident history of the substance.
- (h) Upon receipt of a recommendation made pursuant to subdivision (f), the office may add or remove a substance or change an existing state threshold quantity as a requirement for this article.
- (i) In reviewing a petition under this section, the office shall consider the views of administering agencies that have indicated support or opposition to the petition.

25543.2.

- (a) A stationary source that intends to modify a facility which may result either in a significant increase in the amount of regulated substances handled by the facility or in a significantly increased risk in handling a regulated substance, as compared to the amount of substances and the amount of risk identified in the facility's RMP relating to the covered process proposed for modification, shall do all the following, prior to operating the modified facility:
 - (1) Where reasonably possible, notify the administering agency in writing of the stationary source's intent to modify the facility at least five calendar days before implementing any modifications. As part of the notification process, the stationary source shall consult with the administering agency when determining whether the RMP should be reviewed and revised. Where prenotification is not reasonably possible, the stationary source shall provide written notice to the administering agency no later than 48 hours following the modification.
 - (2) Establish procedures to manage the proposed modification, which shall be substantially similar to the procedures specified in Section 1910.119 of Title 29 of the Code of Federal Regulations pertaining to process safety management, and notify the administering agency that the procedures have been established.
- (b) The stationary source shall revise the appropriate documents, as required pursuant to subdivision (a), expeditiously, but not later than 60 days from the date of the facility modification.

25543.3. On or before June 30, 1998, the office, in consultation with the **Office of Environmental Health Hazard Assessment**, shall do all of the following:

- (a) Review each regulated substance on the list established pursuant to subparagraph (B) of paragraph (2) of subdivision (g) of Section 25532 and, taking into consideration the factors specified in subdivision (g) of Section 25543.1, determine if the regulated substance should remain subject to regulation under this article or should be deleted from that list of regulated substances.
- (b) Review the state threshold quantity for each regulated substance that the office determines should remain on the list of regulated substances, and determine, taking into consideration the factors specified in subdivision (g) of Section 25543.1, if the state threshold quantity should be revised.
- (c) Adopt regulations, which amend the list of regulated substances adopted pursuant to subparagraph (B) of paragraph (2) of subdivision (g) of Section 25532, and adopt state threshold quantities for regulated substances, based on the determinations of the office under subdivisions (a) and (b).

Agricultural Pest Eradication

Food and Agricultural Code

405.

- (a) With the prior approval of the Department of Fish and Game and the **Office of Environmental Health Hazard Assessment** the Department of Food and Agriculture and the Department of Pesticide Regulation may reproduce or distribute biological control organisms that are not detrimental to the public health and safety which are known to be useful in reducing or preventing plant or animal damage due to pests or diseases.
- (b) The Department of Food and Agriculture and the Department of Pesticide Regulation shall not engage in the production of beneficial organisms when those organisms are available for purchase from commercial sources.

5029.

- (a) The department, in consultation with the **Office of Environmental Health Hazard Assessment**, shall design and implement a program to provide information to persons who reside in areas scheduled to be treated with pesticides on an emergency basis in order to eradicate plant pests.
- (b) The purpose of this program is to provide information about the health effects of the pesticides used in eradication projects. The program shall be designed to provide the greatest amount of information practicable to affected citizens. The department shall conduct outreach efforts to inform the public about the existence of this program.
- (c) The department shall implement this section during 1985 and shall report on its implementation to the Legislature by December 31, 1985.

Transportation

Health and Safety Code

59019.

- (a) On or before July 1, 1992, and on or before July 1 annually thereafter, the **Office of Environmental Health Hazard Assessment** shall provide to the Legislature and the Public Utilities Commission, for the purpose of Section 7672 of the Public Utilities Code, a list of commodities, set forth by category, that pose potential threats to the public, property, and the environment when transported on railroad lines in the state. The **Office** shall develop the categories in consultation with the Office of Emergency Services.
- (b) The **Office**, in determining which commodities pose potential threats, shall consider both the toxicity of the commodity itself and the toxicity of any potential breakdown elements of the commodity when exposed to air, water, or other chemical agents that the commodity or its byproducts might contact under normal circumstances or in the event of mishandling, accident, or other possible event associated with, transporting the commodity on railroad lines in the state. In developing the list pursuant to this section, the office shall consider excluding those consumer products that are shipped in finished packages which, due to their packaging or quantity, are not likely to pose a hazard to the public or environment in the event of a train derailment or other surface accident. The list shall be used exclusively for the purposes specified in Sections 7711 and 7712 of the Public Utilities Code.
- (c) The Public Utilities Commission shall provide the office with all information about railroad operations which the office needs to make the determination required by this section.

Oil Spill Contingency

Government Code

8574.9.

- (a) The State Interagency Oil Spill Committee shall consist of all of the following persons:
 - (1) The administrator named by the Governor pursuant to Section 8670.4.
 - (2) The Chairpersons of the State Lands Commission and the California Coastal Commission, or their designees.
 - (3) A designated representative from all of the following agencies:
 - (A) The Office of Emergency Services.
 - (B) The State Water Resources Control Board.
 - (C) The Department of Justice.
 - (D) The California Highway Patrol.
 - (E) The California National Guard.
 - (F) The Division of Oil and Gas in the Department of Conservation.
 - (G) The Department of Toxic Substances Control.
 - (H) The Department of Transportation.
 - (I) The Department of Parks and Recreation.
 - (J) The Department of Water Resources.
 - (K) The Department of Forestry and Fire Protection.
 - (L) The State Fire Marshal.
 - (M) The California regional water quality control boards (one representative).
 - (N) The Resources Agency.
 - (O) The Office of Environmental Affairs California Environmental Protection Agency.
 - (P) The California Conservation Corps.
 - (Q) The **Office of Environmental Health Hazard Assessment**.
- (b) The administrator shall be the chairperson of the committee. The administrator shall ensure that personnel serve as staff to the committee.

8574.21.

- (a) Not later than one year after the effective date of this article, the Office of Emergency Services shall develop the curriculum to be used in classes which meet the program requirements and shall adopt standards and procedures for training instructors at the California Specialized Training Institute.
- (b) The curriculum for the training and education program established pursuant to this article shall include all of the following aspects of hazardous substance incident response actions:
 - (1) First responder training.
 - (2) On-scene manager training.
 - (3) Hazardous substance incident response training for management personnel.
 - (4) Hazardous materials specialist training that equals or exceeds the standards of the National Fire Protection Association.
 - (5) Environmental monitoring.
 - (6) Hazardous substance release investigations.
 - (7) Hazardous substance incident response activities at ports.
- (c) The Office of Emergency Services shall establish a curriculum development advisory committee, which shall consist of a representative from each of the following agencies or organizations:

- (1) The Office of Emergency Services.
 - (2) The Office of the State Fire Marshal.
 - (3) The Department of Toxic Substances Control.
 - (4) The Department of Fish and Game.
 - (5) The State Water Resources Control Board.
 - (6) The Department of the California Highway Patrol.
 - (7) The California Police Chiefs' Association.
 - (8) The California Fire Chiefs' Association.
 - (9) The Commission on Police Officer Standards and Training.
 - (10) The California District Attorneys' Association.
 - (11) The Department of Forestry and Fire Protection.
 - (12) The Emergency Medical Services Authority.
 - (13) The Department of Transportation.
 - (14) The Environmental Protection Agency.
 - (15) The Chemical Industry Council of California.
 - (16) The California Manufacturers Association.
 - (17) The California Conference of Local Health Officers.
 - (18) The University of California.
 - (19) The California State Fireman's Association.
 - (20) The California State University.
 - (21) The California Professional Firefighters.
 - (22) The California Association of Highway Patrolmen.
 - (23) The California State Police Association.
 - (24) The **Office of Environmental Health Hazard Assessment**.
- (d) The curriculum development advisory committee shall advise the Office of Emergency Services on the development of course curricula and the standards and procedures specified in subdivision (a). In advising the Office of Emergency Services, the committee shall do the following:
- (1) Assist, and cooperate with, representatives of the Board of Governors of the California Community Colleges in developing the course curricula.
 - (2) Ensure that the curriculum developed pursuant to this section is accredited by the State Board of Fire Services.
 - (3) Define equivalent training and experience considered as meeting the initial training requirements as specified in subdivision (a) that existing employees might have already received from actual experience or formal education undertaken, and which would qualify as meeting the requirements established pursuant to this article.
- (e) The representative from the Office of Emergency Services shall serve as the chairperson of the curriculum development advisory committee.
- (f) After the course curricula and standards are established pursuant to subdivision (a), the curriculum development advisory committee shall meet at least once each year to review the program and advise the Office of Emergency Services on any required revisions.
- (g) The Office of Emergency Services shall make the curriculum development advisory committee a subcommittee of the Curriculum Advisory Board of the California Specialized Training Institute.
- (h) This article does not affect the authority of the State Fire Marshal granted pursuant to Section 13142.4 or 13159 of the Health and Safety Code.
- (i) Upon completion of instructor training and certification pursuant to subdivision (e) of Section 8574.20 by any employee of the Department of the California Highway Patrol, the Commissioner of the California Highway Patrol may deem any training programs taught by that employee to be equivalent to any training program meeting the requirements established pursuant to this article.